

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
November 5, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., November 5, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Norma Risch, Deputy Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INVOCATION

Ryan Berkinshaw, Department of Finance, delivered the invocation.

PLEDGE OF ALLEGIANCE

Al Macias, Director of Communications, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

Introduction was made of the Pet of the Month from Maricopa County Animal Care & Control – Buggsy, a “very rambunctious” 3-month old Collie mix-breed. Buggsy will be available for adoption at 1:00 P.M. from the County’s Pet Adoption Center at 35th Avenue north of Camelback, one of hundreds of dogs and cats available for adoption. It was reported that Buggsy had been part of a new program with the Sheriff’s Office and was a graduate of the “inmate bathing and brushing” program. Selected inmates work at the west side facility to groom the animals and to learn a trade. Chairman Brock remarked on the wonderful variety of pets available at the center and cautioned the public to take a look at them before paying several hundred dollars to buy a pet elsewhere. He said the center has a large grassy courtyard where you can take an animal of your choice out to let him integrate with your children and establish if there is “chemistry” between your family and the animal before adopting him.

\$25,000 DONATION FROM MERVYN’S/TARGET CORPORATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept a donation of \$25,000, presented by Lisa Ponsock of the Mervyn’s/Target Corporation to the Human Services Department’s Education Division (Head Start/Early Head Start Program.) (C2204109M) (ADM2500)

Lisa Ponsock, Mervyn’s, expressed her pleasure at being part of Mervyn’s efforts to give back to the community through donations to such worthy causes as the Head Start/Early Head Start Program. She presented the check for \$25,000 to Linda Brown, of the Westside Head Start Program.

PRESENTATION OF CHAIRMAN’S AWARD

Chairman Brock presented the Maricopa County Board of Supervisors Chairman’s Award for outstanding contributions to public health in Arizona: (C8604019M) (ADM650)

- Barbara Burkholder, M.A., Public Health Consultant
- Dr. Richard Thomas, Director, Banner Poison Control Center

The Chairman presented plaques to both recipients of the Chairman’s Award and expressed his gratitude for their years of work in Public Health and especially for their role in preparing the County for any crisis or emergency that might arise.

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CODE ENFORCEMENT REVIEW – ROBERT AND CYNTHIA MCPETERS - CONTINUED

Chairman Brock called for oral arguments in the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. 2001-00868, Robert and Cynthia McPeters. (This hearing continued from meeting of October 8, 2003.) (ADM3417-21)

Joy Rich, Chief Regional Development Services Officer, reviewed the case to date. She indicated that the applicant is still in the process of applying and being accepted for a Special Use Permit that would alleviate the problem. She recommended that this case be continued to the first meeting in January 2004.

The applicant, Bob McPeters, spoke briefly to say that he was working with the City of Chandler to obtain compliance on the zoning request and said he would appreciate the additional time extension.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to continue this item to the first meeting in January 2004, (January 7, 2004).

PUBLIC HEARING – ASSESSOR

Chairman Brock called for a public hearing to consider adopting a proposed fee schedule for IS and GIS data products and services to be offered by the Assessor's Office, to be effective November 20, 2003. No protests having been received and no speakers coming forward at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to permit the Assessor to change fees if the actual cost of a service or product changes and to charge actual costs for customized requests other than those specifically listed on the fee schedule. (C1204001M) (ADM300)

Service Fees and Data Pricing Schedule

Updated: July, 2003
Effective: November 5, 2003

All data and associated costs were calculated in May 2003, and based on 1,256,000 data records (parcels/properties).

PLEASE NOTE: Prices below may change without notice, based on actual cost increases or decreases, the addition or deletion of records, or if similar services or products are offered. Costs and pricing will be reviewed on an annual basis.

SECURED MASTER DATA (Tabular only)

All data will be provided in an ASCII format (.dat) on CD-ROM Disks or Tapes (8mm ¼" GB video type cassette) and includes entire County. Should the requested data file size be small enough, the data may be e-mailed.

The Secured Master Data may be joined with the Assessor's GIS Data using the APN as the key-join field. The following briefly describes each data set:

Secured Master – All detail information regarding parcel including owner, property address, legal description, legal classes, valuation and others.

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Residential Master - All detail residential component information used to calculate values (i.e., livable square footage, construction year, etc.)

Commercial Master – All detail commercial component information used to calculate values (i.e., square footage, construction year, and type of building)

Subdivision Index – Contains all information regarding subdivisions including MCR number, parcel ranges and date recorded.

Sales Affidavit – Produces data file of the sales affidavits entered by Assessor's Office.

Notice of Change – Contains parcels scheduled to be mailed for the Notice of Change. Includes the parcel number, owner and value.

Notice of Value – Contains all parcels scheduled to get an annual valuation notice. Includes the parcel number, owner and value.

Notice of Error - Contains all parcels scheduled for a notice of proposed correction, which is mailed in August. Includes parcel number, owner and value.

Land Components – All detail land component information used to calculate values (i.e. location factors, topography, flood, etc)

Personal Property - Contains business personal property data, including name of business, location of business and valuation.

NON-COMMERCIAL REQUESTS

• Secured Master (Prelim. or Final)	(ST42060)	<u>\$1,100.00</u>
• Residential Master	(ST42030)	<u>\$450.00</u>
• Commercial Master	(ST42082)	<u>\$550.00</u>
• Subdivision Index	(ST42020)	<u>\$150.00</u>
• Notice of Change	(ST23072)	<u>\$250.00</u>
• Notice of Value	(ST23070)	<u>\$1,100.00</u>
• Notice of Errors	(ST42066)	<u>\$250.00</u>
• Land Components	(ST42067)	<u>\$500.00</u>
• Personal Property	(UB30056)	<u>\$250.00</u>

COMMERCIAL REQUESTS

• Secured Master (Prelim. or Final)	(ST42060)	<u>\$4,400.00</u>
• Residential Master	(ST42030)	<u>\$1,800.00</u>
• Commercial Master	(ST42082)	<u>\$2,200.00</u>
• Subdivision Index	(ST42020)	<u>\$600.00</u>
• Notice of Change	(ST23072)	<u>\$500.00</u>
• Notice of Value	(ST23070)	<u>\$2,200.00</u>
• Notice of Errors	(ST42066)	<u>\$500.00</u>
• Land Components	(ST42067)	<u>\$2,000.00</u>
• Personal Property	(UB30056)	<u>\$500.00</u>

BY ASSESSOR BOOK SERIES, ZIPCODE, or TOWNSHIP (both Non-commercial and Commercial)

- **Basic Secured Master Data set** – This is a subset of the standard secured master and includes basic data elements. The fields included are parcel numbers, owner name/address, property address and type of property.

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\$100.00 per
(ST42070)
(ST42071)
(ST42072)

Book
Zip Code
Township

- **Enhanced Secured Master Data set** – This is a more detailed subset of the standard secured master and includes a limited number of data elements. The fields included are parcel numbers, owner name/dadress, property address, type of property, deed information, valuation, property use code, legal class, and rental indicator.

\$200.00 per
(ST42073)
(ST42074)
(ST42075)

Book
Zip Code
Township

- **Premium Secured Master Data set** – This is the most detailed subset of data offered from the standard secured master. The fields included are parcel numbers, owner name/address, type of property, deed information, valuation, rental indicator, basic component data and sales information. This set also includes Basic improvement components of livable square footage, land size, pool size, and construction year.

\$300.00 per
(ST42076)
(ST42077)
(ST42078)

Book
Zip Code
Township

MICROFICHE DATA

NON-COMMERCIAL REQUESTS

- Secured Master (MAR039) (SM42015) \$500.00
- Commercial Master (MAR380) (SM42060) \$250.00
- Notice of Value (MAR053) (SM23005) \$500.00
(Postcards)
- Notice of Change (MAR054) (SM23006) \$100.00

COMMERCIAL REQUESTS

- Secured Master (MAR039) (SM42015) \$2,000.00
- Commercial Master (MAR380) (SM42060) \$1,000.00
- Notice of Value (MAR053) (SM23005) \$1,000.00
(Postcards)
- Notice of Change (MAR054) (SM23006) \$200.00

GIS – PARCEL DATABASE

All parcel topology is provided in ESRI's ArcView (.shp) shape file format only. (Please note: annotation may not be available in shape file format). All data is projected to Arizona State Plane, Central Zone, NAD 83, U.S. feet. *Not all data has been captured or maintained using coordinate geometry (COGO).

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Attribution included with the parcel topology includes: Assessor's Parcel Number (APN), CAD File Identifier, and Source Code (how the data was generated, i.e. COGO, city digital, other).

All data will be provided on CD-ROM Disks. Should the requested data file size be small enough, the data may be e-mailed.

The GIS data may be joined with the Assessor's Secured Master database information using the APN as the key-join fields.

NON-COMMERCIAL and COMMERCIAL REQUESTS

- Complete County (approx. 1.4GB) \$9,500.00
- Assessor Book Series –
 - Books 100 (approx. 550MB) \$4,100.00
 - Books 200 (approx. 425MB) \$2,600.00
 - Books 300 (approx. 275MB) \$1,900.00
 - Books 400 (approx. 15 MB) \$125.00
 - Books 500 (approx. 130 MB) \$940.00
- Book, Zip Code or Township (per each) \$85.00
- Subdivision Boundaries (per each) \$0.50
(37,029 total; 20,591 contain attribution of MCR number)
- MicroStation CAD (.dgn) Files (per each) \$5.00
(Approx. 2,500 files; contains approx. 1 section ea. 2.2GB)

MAPS

- Assessor Map Plot Files (per each) \$2.00
(HPGL2 or Adobe .PDF formats for printing/plotting;
total files is approx. 22,000 at 11GB)
- Assessor Parcel Maps – Paper copies (per each) \$3.00
(17" X 22", typically a quarter-quarter section)
- Other Maps –Large Wall Maps \$10.00

CUSTOM REQUESTS

All data or map requests not included above will be considered a custom request and shall be considered with regard to the availability and cost of County resources to provide the products or services. A special request can and may be declined.

- Minimum Charge \$200.00
- Per Hour Charge (or partial hr.) \$100.00
 - Plus \$0.10 per parcel for Secured Master Data
 - Plus \$0.10 per parcel for GIS Data

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- Plus \$10.00 per digital or paper map
- Plus Mail and Media charges

MAIL and MEDIA

- CD Media, ea. \$10.00
- CD Mail Envelope ea. \$1.00
- Floppy Disk, ea. \$1.00
- Small Mail Envelop, ea. \$1.50
- Large Mail Envelop, ea. \$2.00
- Map Mail Tube, ea. \$4.00
- Postage Current First Class Rate

PUBLIC HEARINGS - LIQUOR LICENSE APPLICATIONS

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications, "c" and "e"

- a) Application filed by Kimberly Meagher for a Special Event Liquor License: (This case continued from meeting of October 8, 2003.) (F23105) **WITHDRAWN**

Organization: Wildhorse Ranch Rescue
Location: 11811 South Lindsay Road, Gilbert
Date/Time: Saturday, November 15, 2003; 10:00 a.m. – 4:00 p.m.

- b) Application filed by Terry F. Ray for a Temporary Extension of Premises/Patio Permit: (ADM664) **WITHDRAWN**

Organization: The Spurr Lounge
Location: 5535 West Baseline Road, Laveen
Date: Saturday, November 8, 2003

- c) Application filed by Ronald Joseph Gardner for a Permanent Extension of Premises/Patio Permit: (ADM664)

Business Name: Garfield's
Location: 10123 East Apache Blvd., Apache Junction

- d) Application filed by Eric Ray Floyd for a Person-to-Person Transfer of a Series 6 Liquor License from Marianne Hagman, Agent, and a Transfer-of-Location Transfer: (LL6102)
CONTINUED TO DECEMBER 3, 2003

Business Name: Thunder Pass Food & Spirits
Location: 9303 East Apache Trail, Mesa
Former Location: 6933 North 7th Street, Phoenix

- e) Application filed by George Ira Atwell for an Original, Series 12 Liquor License: (LL6102)

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Business Name: Poolside Café
Location: 24211 South Oakwood Blvd., Sun Lakes

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

PUBLIC HEARING - FIREWORKS DISPLAY

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the application filed by Gary and Brandy Harper for a Fireworks Display to be held at 2709 West Pearce, Laveen, Arizona, on November 8, 2003. (ADM665)

ROAD DECLARED (ROAD FILE NO. A165)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) that the following resolution be adopted:

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 8th day of October, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit: (C64040955)

A roadway of a variable width, together with all appurtenances and easements of record, lying within the West half (W½) of Section Thirty-three (33) and lying within the East half (E½) of Section Thirty-two (32), Township Five (5) North, Range One (1) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and is described as follows:

Commencing at the Northwest corner of GLO Lot 1 (also known as the Southwest quarter of the Southwest quarter) of said Section 33; THENCE, N00°11'50"E, a distance of 52.25 feet to the TRUE OF BEGINNING; THENCE, Easterly, a distance of 22 feet to a point on the East line of the West 22 feet of said Section 33; THENCE, along said East line, N00°11'50"E, a distance of 265.54 feet; THENCE, S89°01'01"W, a distance of 1.99 feet; THENCE, N00°11'50"E, a distance of 214.08 feet; THENCE, N89°54'09"W, a distance of 0.83 feet to a point on a non-tangent curve to the right, with a local tangent bearing of N00°11'50"E, a central angle of 72°23'47", and a radius of 127.91 feet; THENCE, Northeasterly along said curve an arc length of 101.23 feet, to a point of reverse curve to the left, with a local tangent bearing of N72°35'38"E, a central angle of 120°55'19", and a radius of 177.64 feet; THENCE, Northeasterly to Northwesterly along said curve an arc length of 374.91 feet; THENCE, N48°19'40"W, a distance of 115.01 feet to a tangent curve to the right, with a central angle of 48°31'30", and a radius of 81.57 feet; THENCE, Northerly, along said curve an arc length of 69.09 feet to the point of tangency on the East line of the West 40 feet of said Section 33; THENCE, N00°11'50"E, a distance of 248.76 feet to the East-West mid-section line; THENCE, continuing along the East line of the West 40, N00°14'24"E, a distance of 1323 feet to the North line of the Southwest quarter of the Northwest quarter (SW¼ NW¼) of said Section 33; THENCE, Westerly along said North line, a distance of 40 feet to the Northeast corner of the Southeast quarter of the Northeast quarter (SE¼NE¼), of Section 32; THENCE, Westerly along the North line of said Southeast quarter of said Northeast quarter (SE¼NE¼), a distance of 15 feet to the West line of the East 15 feet of said SE¼NE¼; THENCE, Southerly along said West line, to the

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South line of the North half of the North half of the Southeast quarter of the Northeast quarter (N½ N½SE¼NE¼) of said Section 32; THENCE, Westerly, along said South line, a distance of 25 feet, to the West line of the East 40 feet of said SE¼NE¼; THENCE, Southerly, along said West line, to the East-West mid-section line; THENCE, Easterly, along said East-West mid-section line, a distance of 4.00 feet, to the West line of the East 36 feet of said Section 32; THENCE, along said West line, S00°11'50"W, a distance of 228.28 feet, to a point of curve of a tangent curve to the left, with a central angle of 47°07'39", and a radius of 177.18 feet; THENCE, southeasterly, along said curve, an arc length of 145.74 feet to the point of tangency; THENCE, S48°19'40"E, a distance of 115.01 feet, to a point of curve of a tangent curve to the right, with a central angle of 120°55'17", and a radius of 111.64 feet; THENCE, Southeasterly to Southwesterly, along said curve an arc length of 235.60 feet, to the point of reverse curve to the left; with a local tangent bearing of S62°57'52"W, a central angle of 72°23'46", and a radius of 167.23 feet; THENCE, Southwesterly along said curve, an arc length of 211.31 feet; THENCE, S89°47'24"E, a distance of 6.82 feet, to the West line of the East 40 feet of said Section 32; THENCE, along said West line, S00°11'50"W, a distance of 468.93 feet; THENCE, Easterly, a distance of 40 feet to the TRUE POINT OF BEGINNING.

(Said roadway also known as Bullard Avenue from ¼ mile north of Jomax Road to ¼ mile North of Pinnacle Vista Drive in Supervisor District 4)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

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DATED this 5th day of November 2003.

ROAD DECLARED (ROAD FILE NO. A215R2)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) that the following resolution be adopted: (C6403128501)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 8th day of October, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 50 foot roadway, together with all appurtenances and easements of record, lying within the South half of the Southeast quarter (S2SE4) of Section Thirty (34) in Township Two (2) South, Range Six (6) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 25 feet on each side of the following described centerline:

Beginning at the Southwest corner of the North half of the South half of the Southeast quarter N2S2SE4 of Section 34; Thence, East along the South line of said N2S2SE4 to the terminus of the herein described centerline at the Southeast corner of said N2S2SE4.

(Said alignment is also known as Stacey Road, from 164th Street to Higley Road in Supervisor District No. 1.)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

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BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 5th day of November 2003.

CONTRACT WITH SUSAN LINDLEY FOR FORENSIC INTERVIEWS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a contract with Susan Lindley to gather and collect evidence, conduct forensic interviews, provide courtroom testimony and otherwise assist the Maricopa County Attorney's Office in the investigation and prosecution of sexual assaults or sexual abuse matters involving minors. The contract term is from the date of Board approval until June 30, 2005. Susan Lindley will be reimbursed \$200 per interviewee per case for interviews. This contract is exempt from the Procurement Code by virtue of MCI 102(B). (C19040161)

FULL SERVICE STORAGE LEASE WITH TELECOM CENTER PHOENIX, LLC

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve new full service storage lease No. L7344 with Telecom Center Phoenix, LLC, for 2,500 square feet of storage space located in a basement area of 301 West Jackson Street, Phoenix. The term will be for a 24-month period commencing on the date of possession estimated to be around November 5, 2003, and expiring 24 months from the date of possession. The annual rental cost for the first year is \$1,875, or \$0.75, per square foot per year, plus rental tax, and for the second year it is \$2,500, plus rental tax estimated at 2.5%. (Legal approval is subject to county counsel's approval of the final revised Lease Agreement.) (C19040171)

FILING OF REAL PROPERTY APPEAL AND SPECIAL ACTION IN TAX COURT AGAINST ARIZONA STATE BOARD OF EQUALIZATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the filing of a real property tax appeal and special action in Tax Court against the Arizona State Board of Equalization and David S. and Marilyn E. Alexander, Trustees, for tax year 2002. (Discussed in Executive Session on November 3, 2003.) (C19040180) (ADM413-001)

ONE TIME ADDITION TO THE FLEET OF 1999 CHRYSLER FOUR-DOOR SEDAN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a one-time addition to the fleet of one RICO forfeited 1999 Chrysler 300 four-door sedan that has 31,000 original miles and is valued at \$16,810. This vehicle will be assigned to the Enforcement Support Division for use in the Sheriff's Teaching Abuse Resistance to Students Program (S.T.A.R.S.). RICO funds will support its operation, maintenance, and fuel costs. This vehicle will be permanently retired at the end of its useful life and funding will not be provided by the General Fund for its replacement and the county's fleet will automatically be reduced. (C5004031M) (ADM3104)

SOLE SOURCE MAINTENANCE AND SUPPLIES PROCUREMENT WITH JOHNSON, ROBERTS & ASSOCIATES, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve sole source maintenance and supplies procurement with Johnson, Roberts & Associates, Inc.

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This vendor provides for software maintenance and support for the automated California Psychological Inventory (CPI) and Personality Assessment Inventory (PAI). The software is proprietary to Johnson, Roberts & Associates, which is also the sole provider of maintenance for the system. The maintenance requirement has been advertised in accordance with Maricopa County's sole source procurement procedures. The cost is not expected to exceed \$75,000 annually and is funded in the MCSO General Fund appropriation. (C50040321)

PERSONNEL AGENDA

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. (List on file in the Clerk of the Board's Office.)

ADMINISTRATIVE PROCEDURE (HR 2423) SEVERANCE PAY FOR RELEASE OF CLAIMS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Human Resources Administrative Procedure HR 2423 Severance Pay for Release of Claims, for the purpose of providing the framework and process for the discretionary payment of Severance Pay for Release of Claims (Severance Pay) to employees affected by a reduction in force (RIF). (C31040026) (ADM3321-001)

EXPENDITURE APPROPRIATION ADJUSTMENTS

In accordance with ARS §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following expenditure appropriation adjustments totaling \$1,177,857 (\$1,048,102 for the General Fund and \$129,755 for the Detention Fund): reduce General Government General Fund General Contingency (100-470-4711) in the amount of \$1,048,102, and reduce General Government Detention Fund General Contingency (255-470-4711) in the amount of \$129,755, and increase departmental General and Detention fund budgets by the amounts referenced on the attached schedule, to fund additional variable benefit costs associated with the 3.9% salary increases given to offset the Arizona State Retirement System contribution increases. The countywide net impact of these adjustments is zero. (C4904001801) (ADM1825)

BUDGET AMENDMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a budget amendment authorizing a decrease in the General Government Debt Service Fund 312 FY 2003-2004 revenue by \$2,747,799 to reflect the decrease in the property tax levy associated with the tax rate of \$.0700 adopted by the Board on August 18, 2003. This adjustment does not alter the duly adopted budget for purposes of ARS §42-17105, but rather, reflects internal structural adjustments necessitated by revenue shortfalls. (C49040088) (ADM1801)

ANNUAL (JULY 1, 2002 THROUGH JUNE 30, 2003) GAINSHARING AWARD FOR ELIGIBLE EMPLOYEES WHO PARTICIPATED IN THE "PRE-AHCCCS CLAIMS LOSS REDUCTION GAINSHARING PROGRAM" AND TRANSFER IN EXPENDITURE APPROPRIATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the annual (July 1, 2002, through June 30, 2003) gainsharing award for eligible employees who participated in the "Pre-AHCCCS Claims Loss Reduction Gainsharing Program" for Health Care Mandates. The Board approved this program on July 24, 2002 (Agenda No. C35020066). Also, in

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accordance with A.R.S. §42-17106B, approve the transfer of \$21,763 in expenditure appropriation from Appropriated Fund Balance (480) General Fund (Fund 100) General Contingency (4811) to the line item in Appropriated Fund Balance (480) General Fund (Fund 100) Other Programs (4812) titled "Gainsharing Program Awards" to fund these awards. (C35040140) (ADM3345-002)

FY 2004 GAINSHARING PROGRAM RENEWAL FOR THE PUBLIC FIDUCIARY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the FY 2004 "Gainsharing Program" renewal for the Public Fiduciary per the Employee Gainsharing Programs Policy (HR2419). Gainsharing awards will be based on the increase of revenue and achievement of Managing for Results performance measure goals. (C35040150) (ADM3345-001)

MARICOPA COUNTY PUBLIC FIDUCIARY GAINSHARING PROGRAM FY 2004

WHAT

Public Fiduciary employees will be eligible to receive a goal results incentive award if key departmental performance measures are achieved.

WHY

Maricopa County Public Fiduciary is using a results-oriented compensation tool to facilitate the achievement of the following key performance measures, which are derived from the department's Managing for Results (MFR) Strategic Plan:

1. The percentage of court accountings timely filed with the court.
2. The percentage of court accountings filed with the court without error.
3. The percentage of court inventories timely filed with the court.
4. The percentage of annual guardian reports timely filed with the court.
5. The percentage of mental health mandate and court investigation reports timely filed with the court.
6. The percentage of indigent burial determinations made within five business days.

These key performance measures are critical to the department's overall financial and programmatic success and are the measures that best reflect the overall contributions of all Public Fiduciary employees.

WHO

All employees (excluding temporary and initial probationary employees) are eligible who were employed by the Public Fiduciary on or before December 31, 2002 and have been employed for at least six consecutive months. The employee's individual performance must meet or exceed Departmental standards during the Measurement Period. The employee must have actively contributed toward the goals of the plan for at least one half of the Measurement Period. If an employee completes six consecutive months of employment with the Public Fiduciary and subsequently completes initial probationary status before the end of the Measurement Period, the employee will be eligible to receive an incentive award if the employee actively contributed toward the goals of the plan for at least one half of the Measurement Period.

Employees who leave the department or have given notice that they are leaving the department (other than retirement) prior to a distribution of monies will forfeit any gain share normally due them.

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HOW?

The Program requires attainment of the following objectives (both objectives must be achieved in order for any gainshare to occur):

1. Departmental revenue increases above the budgeted amount of \$930,000.
2. Achieve five out of the six Managing for Results (MFR) targets and achieve at least a 85% on six out of the six Managing for Results (MFR) targets. The performance measures for FY 2003/2004 are listed in Table 1 below:

Table 1. Performance Measures for FY 2003/2004

Index No.	Key Performance Measure	Actual Performance FY 03	FY 04 Performance Goal
1.	The percentage of court accountings timely filed with the court.	100%	100%
2.	The percentage of court accountings filed with the court without error.	96%	98%
3.	The percentage of court inventories timely filed with the court.	96%	96%
4.	The percentage of annual guardian reports timely filed with the court.	99%	100%
5.	The percentage of mental health mandate and court investigation reports timely filed with the court.	100%	100%
6.	The percentage of indigent burial determinations made within five business days.	93%	95%

The formula for the target percents for measures 1 through 5 is:

- The number of filings on time divided by the total number of filings for the measurement period.

The formula for the target percent for measure 6 is:

- Burials determined eligible within 5 days divided by the total number of burial determinations.

When the 1st objective (revenue increases) associated is achieved, up to 50% of the savings is considered funding for the employee gainsharing pool and 50% of funding will be remain in the General Fund. The employee gainsharing pool is to be shared equally among all eligible employees. The maximum distribution per eligible employee is \$2,000 per the measurement period.

If the target is not achieved on five out of the six Managing for Results (MFR) and an 85% of the target is not achieved on six out of the six Managing for Results (MFR) targets, gainsharing will not occur. All monies will remain in the General Fund.

If both of the objectives are achieved ((a) revenue increases above the budgeted amount of \$930,000 and (b) the target is achieved on five out of the six Managing for Results (MFR) targets and 85% is achieved on six out of the six Managing for Results (MFR) target), during the measurement period, the revenue to award the eligible employees will be properly budgeted through an increased expenditure authority in the following fiscal year through an action by the Board of Supervisors. In addition, revenue realized will increase the revenue baseline for the following fiscal year.

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SAVINGS/REVENUE:

The fees are not collected until after the approval of the final accounting by the Court in probate cases or at the time of approval of the annual accounting in conservatorship cases. The Public Fiduciary does not collect fees in advance nor do they collect fees if it already impedes the financial circumstances of the client or protected person. All fiduciary fees collected by the Public Fiduciary must first be approved and determined just and reasonable by the Superior Court. The enhanced revenues will be achieved by a reduction in the closing time of probate or decedent cases.

INCENTIVE DISTRIBUTION FORMULA

Gainsharing awards are applied equally to all employees in the department (subject to eligibility requirements). The maximum distribution per eligible employee is \$2,000 per fiscal year.

WHEN

Any awards will be paid to employees during the period of July 1, 2003 to June 30, 2004. The awards will be issued as a lump-sum payment up to \$2,000 on or before September 30, 2004.

FY 2004 "PRE-AHCCCS CLAIM LOSS REDUCTION" GAINSHARING PROGRAM RENEWAL FOR HEALTH CARE MANDATES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the FY 2004 "Pre-AHCCCS Claim Loss Reduction" Gainsharing Program renewal for Health Care Mandates, per the Employee Gainsharing Program Policy (HR2419). Gainsharing awards will be based on the positive outcome of claims resolution and litigation activities. (C35040160) (ADM3345-001)

Health Care Mandates FY04 Incentive Program

What?

Eligible Health Care Mandates employees will receive a goal results incentive award if the departmental strategic goals related to Health Care Mandates' strategic plan are achieved.

Why?

Health Care Mandates (HCM) is using a results-oriented compensation tool to facilitate the achievement of two specific strategic goals which are derived from the department's Managing for Results (MFR) Strategic Plan:

Who?

All full time regular and contract employees who work in/for Health Care Mandates on date of award, or retiree. This includes employees assigned to HCM from the CIO's office.

To be eligible to receive an award, an individual employee's performance must meet or exceed departmental standards during the measurement period, and the employee must have worked for Maricopa County, the Judicial Branch or a Special District for six consecutive months by the end of the measurement period, and have actively contributed toward the goals of the plan for at least one half of the measurement period. To earn a gainsharing award, an employee must remain employed through the date of award distribution or be retired.

How?

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Resolution Results Measure:

The amount written off by providers will be tracked as a percentage of the total billed of all of the claims that went through the resolution process grouped by "round" and where a settlement letter was received by HCM within each six-month measurement period. A round is a grouped set of claims, agreed upon by opposing council and HCM and then submitted to HCM via a "resolution letter".

Write-offs are calculated by adding the following categories (listed below) with in a completed round. A completed round is a round in which a settlement letter is submitted to Maricopa County which states which claims are being written off or to be paid. Many claims are typically not on the settlement letter and need to be tracked for six months to see if they are subsequently submitted into lawsuit.

Withdrawn Category Types:

- 1) Written-off by opposing counsel in resolution
- 2) The difference between the total billed amount and paid amount on a given claim
- 3) Any claim that is not submitted for lawsuit before the statutory deadline of 6 months (claims not submitted to lawsuit after 6 months are considered withdrawn)

The percent written off is calculated by adding the three categories outlined above for a finished round and dividing by the total full-billed charges total.

Litigation Results Measure:

The Litigation results measurement is the judgement/settlements rate. HCM will divide the final judgement paid by HCM after trial by the full-billed charges from the original complaint. In the event that the lawsuit is appealed by either party the result will be measure after the appeal decision has been delivered.

PROGRAM REQUIREMENTS:

1. Claims Resolution:

Increase amounts written off by providers in the claims resolution process by 20% of Total-billed charges over historical base while experiencing no percentage increase in payments.

This goal must be **met or exceeded** in order to qualify for 80% of the Gainsharing award.

Data Source: Signed settlement agreements with opposing counsel.

2. Litigation

Reduce average annual litigation judgments/settlements rate by 7% over the 1998 rate.

This goal must be **met or exceeded** in order to qualify for 20% of the Gainsharing award.

Data Source: Court judgements, and pleadings withdrawing claims.

Savings

Increasing Write-Offs in the resolution process by 20% will result in a decrease of in Litigated claims, saving an estimated \$1,072,000.

Reducing the percentage of claims paid out in the Litigation process by 7% over the 1998 rate will result in an estimated savings of over \$8,332,000.

*see attachment for details on savings calculations

Incentive Distribution

Awards are applied equally to all employees in the department (subject to eligibility requirements). The maximum distribution per eligible employee is \$1,500 per fiscal year.

When

Awarded semi-annually, based on semi-annual results.

- Measurement period one – 7/1/03 through 12/31/03
Analysis will be performed by the department during the measurement period. If goal are obtained, awards will be paid to eligible employees no later than April 30, 2004 (distribution award date)
- Measurement period two – 1/1/04 through 6/30/04
Analysis will be performed by the department during the measurement period. If goal are obtained, awards will be paid to eligible employees no later than October 31st, 2004 (distribution award date)

The second goal missed in one period can be made up in the succeeding six-month period by meeting the aggregate goal for the two-combined.

FY 2004 GAINSHARING PROGRAM RENEWAL FOR INTERNAL AUDIT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the "FY 2004 Gainsharing Program" renewal for Internal Audit per the Employee Gainsharing Programs Policy (HR2419). This program is a results-oriented compensation tool to facilitate the achievement of specific targets such as completing annual audit plan, identifying cost savings and revenue enhancements, and providing the Board and county management with information and recommendations. Measurements are derived from the department's MFR Strategic and Annual Plan. (C35040170) (ADM3345-001)

**MARICOPA COUNTY INTERNAL AUDIT
GAINSHARING PROGRAM
FY 2003 – 2004**

WHAT?

Maricopa County Internal Audit (MCIA) employees will be eligible to receive a goal/results incentive award if department strategic goals are achieved and cost reductions and/or revenue increases are realized.

WHY?

MCIA is using a results-oriented compensation tool to facilitate the achievement of its strategic goals, which are derived from the department's Managing for Results (MfR) Strategic Plan.

WHO?

Employees meeting the following criteria are eligible to participate:

- Employee has been employed for at least six months and cannot have been on initial probationary status.
- Employee is working for MCIA on the date of the award. Employees who leave the department or have given notice that they are leaving the department (other than retirement) prior to a distribution of monies will forfeit any gain share normally due them.
- Employee actively contributed toward the goals of the plan for at least one-half of the measurement period.
- Employee performance met or exceeded departmental standards during the measurement period.

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HOW?

The MCIA Gainsharing Program contains the following three phases, or objectives:

- Objective # 1 – Reduce County expenses and/or enhance County revenues.
- Objective # 2 – Complete 100 per cent of audit fieldwork by June 30, 2004.
- Objective # 3 – Achieve from one to six MfR targets for FY04.

If Objective #1 is met, one-half of the identified expense reductions and/or revenue enhancements are potentially available for the Gainshare pool. Any expense reductions and /or revenue enhancements not distributed through the Gainshare pool are distributed to the General Fund or other appropriate fund. See process flowchart Attachment A.

If Objective #2 is met, 40 per cent of the Gainshare pool identified in Objective #1 becomes available for incentive payments.

There are 39 audit service projects approved by the Board of Supervisors that require fieldwork completion by June 30, 2004 (Attachment B). Evidence of completed fieldwork is documented through the formal Audit Checklist (Attachment D). The County Auditor signs and dates the checklist on Reference Line 50 upon completion of each audit's fieldwork. The existence and completion of the checklists can be validated externally, if necessary.

If all or some part of Objective #3 is met, 10 to 60 per cent to the Gainshare pool becomes available for incentive payments, depending on how many of the six MfR targets are met.

MfR targets in Objective #3 are taken from the MCIA FY04 Strategic Plan. The MfR targets are weighted equally at 10 per cent each. See Attachment C.

Relation to Other Gainsharing Programs

MCIA is uniquely positioned to address areas that are not the focus of individual County departments. Our work results in process improvements, quantitative cost savings, and revenue enhancements across the County. MCIA will ensure that the MCIA Gainsharing Program does not overlap with any gainsharing program of any other department or County agency.

MCIA gainsharing activities include reviews of:

- Contracts
- IGAs
- Other areas of financial impact

Recognition of Cost Savings/Revenue Enhancement

Cost savings under the IA Gainsharing Program will be realized when constructively received by the County. "Constructively received" means evidenced by hard dollar recoveries such as refund checks or credit/debit memos from County vendors, IGA partners, or other entities. Revenue for the IA Gainsharing Program will be realized when received and deposited with the County Treasurer. For example, a prior year review of the Countywide Personal Computer Purchase Contract (#AZ1562) resulted in refunds issued to the County in the amount of \$88,866.

Partnership with County Departments

In the event that MCIA, through specific invitation from a County department, partners with and assists that department in the achievement of the department's gainsharing goals, MCIA will be eligible to participate in the department's gainsharing award, on a mutually agreed-upon basis. This participation will not affect the \$2,000, per person, maximum limitation of the MCIA Gainsharing Program.

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Incentive Distribution

Up to fifty per cent (50%) of MCIA cost savings and revenue enhancements will be eligible for gainsharing distribution. Awards will be applied equally to all employees actively participating in the Gainsharing Program. Maximum distribution per eligible employee is \$2,000 per fiscal year. The additional fifty per cent (50%) of the cost savings and revenue enhancements will be returned to the General Fund (Fund 100) or other appropriate fund where the savings/revenue is realized.

Distribution Restriction

MCIA cost savings and revenue enhancements, otherwise eligible for gainsharing distribution, would NOT be eligible for distribution to MCIA if recovered from a fund specifically restricting such distribution.

WHEN?

The Measurement Period for the Gainsharing Program begins July 1, 2003 and ends on June 30, 2004. The MCIA Gainsharing Program will be measured and awarded on a one-time basis each fiscal year. All eligible employees will receive their Gainshare award as soon as possible after the close of the fiscal year.

FY 2004 GAINSHARING PROGRAM RENEWAL FOR FINANCE COLLECTIONS UNIT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the FY 2004 "Gainsharing Program" renewal for the Department of Finance Collections Unit per the Employee Gainsharing Programs Policy (HR2419). Gainsharing awards will be based on the increased cash collections over the previous year's. (C35040180) (ADM3345-001)

FINANCE COLLECTIONS UNIT GAINSHARING INCENTIVE PROGRAM FY04

WHAT?

Employees will be eligible to receive a goal results incentive if departmental strategic goals are achieved.

WHY?

The Collections Unit for the Department of Finance is using a results-oriented compensation tool to facilitate the achievement of its strategic cash flow goal, which is derived from the department's Managing for Results (MFR) Strategic Plan:

- Develop and implement new strategies to enhance collection activities.

WHO?

All employees (excluding temporary and initial probationary employees) are eligible who have been employed by the Collection Unit for at least six consecutive months. The employee's individual performance must meet or exceed departmental standards during the Measurement Period. The employee must have actively contributed toward the goals of the plan for at least one half of the Measurement Period. If an employee completes six consecutive months of employment with the Collection Unit and subsequently completes initial probationary status before the end of the Measurement Period, the employee will be eligible to receive an incentive award if the employee actively contributed toward the goals of the plan for at least one half of the Measurement Period.

Employees must be working for the Collection Unit on the date of award distribution. Employees who leave the department or have given notice that they are leaving the department (other than retirement) prior to a distribution of monies will forfeit any gain share normally due them.

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HOW?

Goals are taken from the Department of Finance, County Collection Unit's Strategic Plan. The Program requires attainment of the following goals in order for any gainshare award to occur. All goals must be achieved.

To qualify for an award in FY2003-04, the unit must increase quarterly cash collections from the previous year's quarterly cash collection. Only cash collections from sources of revenue that are designated for the County general fund and not earmarked for a designated purpose are eligible for disbursement for the Finance Collection Unit employee gain sharing program. Funds designated for other uses include but are not limited to: fines collected for drug offenses pursuant to A.R.S. §13-821; fines collected for offense included in chapter 34 of the Arizona Revised Statutes and prosecuted by a city prosecutor, a county attorney or the attorney general pursuant to A.R.S. §13-811; assessments collected for reimbursement of the county for the cost of defending indigents pursuant to A.R.S. §11-584. If any of the sources of revenue that are currently designated for the County general fund are redesignated for deposit into a designated fund, or earmarked for a designated purpose, they will no longer be eligible for disbursement for the Finance Collection Unit employee gainsharing program. If the Collection Unit begins to collect cash from a new source of revenue that is designated for the County general fund that is not earmarked for a designated purpose, that source of revenue is available for disbursement for the Finance Collection Unit employee gainsharing program. Comparing the quarterly collections to the previous year's quarter allows for seasonal differences. Excess collections over baseline amounts are split between the General Fund and the Employee Gain Sharing fund according to the following schedule:

Collection Range (FY2003-04 only)	General fund	Employee Gain Sharing fund
Amount is between 0%- 15% above baseline	50%	50%
Amount is between 16% - 30% above baseline	60%	40%
Amount is over 30% of baseline	70%	30%

The "baseline" amount equals \$37,328, which represents the unrestricted County General fund collections for FY2002-03. See the attached supporting schedule "RFR Allocations per Finance Collections" for a break out of all the funds collected by the County Finance Collections Unit.

1. Keep accounts that are at a status of 90+ days delinquent at 15% or less of the active cases.
2. Keep outside collection agency cases at 85% or less of the total active cases.
3. The department must remain within its expenditure budget.

If at the end of the fiscal year, goals are not achieved, all monies will be returned to the General Fund.

Savings/Revenue

Savings will be generated by the implementation of new strategies to enhance collection activities.

Incentive Distribution

Awards are applied equally to all employees in the collections unit (subject to eligibility requirements). The maximum distribution per eligible employee is \$2,000 per fiscal year.

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WHEN?

The Gainsharing Program will be utilized as a retention tool as employees will view the program as a value added reason to work in the collections unit.

Measurement Period 7/01/03 through 6/30/04

Analysis will be performed by the department on a quarterly basis during the measurement period in order to track the potential award at year-end. Awards will be paid to eligible as soon as possible after the close of the fiscal year and no later than September 30, 2004.

RESOLUTION – PROCLAIMING APPROVAL AND SUPPORT FOR THE CREATION OF A NEW CITY OF CHANDLER/MARICOPA COUNTY ENTERPRISE ZONE AND INTERGOVERNMENTAL AGREEMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt a Resolution proclaiming approval and support for the creation of a new City of Chandler/Maricopa County Enterprise Zone and the approval and support for the creation of a new Intergovernmental Agreement (IGA) Zone between the City of Chandler and the County of Maricopa. The goal of the Enterprise Zone (per ARS §41-1522) is to promote the investment of capital and the creation of quality jobs by new and expanding enterprises in the most economically distressed areas of Arizona. Although a current Enterprise Zone exists, the boundaries have been redrawn to correspond to the Census 2000 information and a new Enterprise Zone (replacing the old) needs to be created to include the appropriate area. The proposed zone is generally bounded by the Western Canal, Ray Road and Chandler Boulevard on the north; Nebraska Street, Alma School Road and Arizona Avenue on the west; Ocotillo Road and Pecos Road on the south; and Gilbert Road, Cooper Road, McQueen Road and the Southern Pacific Railroad on the east. The county is required to approve the Enterprise Zone creation and IGA with the City of Chandler because the boundaries contain county islands. The Enterprise Zone will become effective on date of execution and continue for five years. (C17040642) (C32980262) (C06030022)

MARKET ADJUSTMENTS FOR AND ADMINISTRATIVE TRANSFER OF PARK POLICE OFFICE DIVISION

Item: Approve the following actions regarding the Parks & Recreation Department Park Police Division:

- a) Market adjustments for Park Police Officers totaling \$172,914 in all funds annualized to be effective September 29, 2003; (ADM3308)
- b) The administrative transfer of the Parks & Recreation Department Park Police division from the Parks & Recreation Department to the Maricopa County Sheriff's Office as the Mountain Park Patrol, including the transfer of 17 FTE positions (11 FTE funded by the General Fund, 3 FTE funded by the Lake Fund and 3 FTE funded by the Spur Cross Fund), related vehicles, radios, computer equipment and weapons as outlined in the interdepartmental agreement (Attachment A); (ADM3200) (ADM3900-001)
- c) In accordance with ARS §42-17106B, approve expenditure appropriation transfers from the FY 2003-2004 Parks & Recreation Department to the Sheriff's office (Agency 500) General Fund expenditure budget in the amount of \$415,422, including \$245,189 in interdepartmental personal fund credits for positions funded by Lake Fund (240) and Spur Cross Fund (225) as detailed in Attachment B, effective September 29, 2003; (ADM3200) (ADM3900-003)

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- d) In accordance with ARS §42-17106B, approve expenditure appropriation transfer from the FY 2003-04 General Government (470) General Fund (Fund 100) Contingency (4711) to the Sheriff's Office (500) General Fund (Fund 100) budget in the amount of \$120,880 as detailed in Attachment B, to implement the market adjustments outlined in A above. (ADM3900-003)

The requested action will result in a consolidation of law enforcement services within the county. The FY 2004-2005 Parks & Recreation Department budget target and the FY 2004-2005 Sheriff's Office budget target will be restated/right-sized for the full-year impact of the FY 2003-2004 funds being transferred (General Fund, Spur Cross Fund and Lake Pleasant Fund). (This item continued from the meetings of September 24, and October 22, 2003.) (C30040028)

In discussing this action, Supervisor Stapley referenced item No. 7 on a recently received second addendum to the September 20, 2003, memorandum on the Transfer of Park Police to the Sheriff's Office. He asked if it contains the necessary language to allow a reversion of this transfer to bring the Park Police back to the jurisdiction of the Parks Department if the transfer does not prove to be in the best interests of residents. He indicated that the amended memo's language indicated the transfer could be extended if both parties (Parks and the Sheriff's Office) agreed to it. He asked if that language took away the ability of the Board to modify an extension or reverse the action if it was determined that the changeover wasn't working for the benefit of the public.

Mr. Golab agreed that the wording was not clear and suggested the motion be worded to clearly delineate that each four-year extension depended on approval by the Board of Supervisors.

Mr. Scalzo, Director of Parks and Recreation, responded that the intention had been that there would be an overall evaluation of the program every four years and a determination by both parties (Sheriff's Office and Parks Department) to agree that it continue without change.

Supervisor Kunasek worried that the four-year review could result in 20 deputies being told they were no longer needed and had to find a job elsewhere. He asked about last year's request to the Legislature that the Park Police be vested in the State Retirement System in the same manner as police officers,

Mr. Scalzo said the request was successful and now in place and has benefited two officers already, one who retired after 34 years of service and another retiring after 20 years. He indicated that this agreement had been approved by OMB, the Parks Department, the Sheriff's Office and the State of Arizona. All park deputies' benefits in the State Retirement Fund will be the same as other deputies in the Sheriff's Office.

Loretta Barkell explained that a yearly audit of the Mountain Patrol, which has its own organizational and accounting structure and is separate from other departments in the Sheriff's Office, would be held. She said there is verbiage in place stating that the 17 positions being transferred to the Sheriff's Office will remain at 17 - or more – for service in the parks and those deputies will always have duties in the parks unless they ask for a transfer. Should the group ever be transferred back to the Parks Department the deputies would have the option to stay in the Sheriff's Office. If they elected to stay, Parks would have to recruit new people to fill the vacancies.

Discussion ensued on ways the extension, as reviewed every four-years, could be reversed.

Supervisor Kunasek said there was no guarantee that in the future the person elected as Sheriff would be amenable to such an agreement and could make some undesirable changes with no recourse since the Supervisors have no administrative authority over the way the Sheriff runs his office. He hesitated at

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severing the management control over the Park's Deputies that the Board now has. He suggested that if pay differential was an issue this should be addressed. He asked if the pay issue could be split from the agenda item for today's vote, and any management issues could be addressed in coming months.

Paul Golab said the market adjustment segment appeared to be a separate action item on the agenda and could be taken separately.

Mr. Scalzo said the package had been put together as it was at the request of OMB partly because it involved budgets from several parks. He said the transfer was also done based on the Sheriff's higher minimum for deputies (the equivalent of the Park Police entry level) and the need for transfers to be made at the same level. All of the Park Police being transferred have received the same AZPost training as the Sheriff's deputies and are Peace Officer certified.

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson to approve actions listed above, "a" - "b" - "c" and "d," regarding the transfer of the Parks & Recreation Department Park Police Division to the Maricopa County Sheriff's Office as the Mountain Park Patrol as given above. This agreement will be evaluated every four years beginning in December of 2004. If in the opinion of both parties (Parks Department and Sheriff's Office) the performance and service is in the interest of the citizens of Maricopa County, the agreement shall be extended for another four years. An added caveat states that if the Board of Supervisors determines, in its sole discretion, by a majority vote of the Board at any time in the future that this transfer may not be in the best interests of the citizens this transfer may be reversed with the corresponding funding and assets being returned to the Parks Department.

Motion carried on a majority vote (4-1) with Supervisors Stapley, Wilson, Wilcox and Brock voting "aye" and Supervisor Kunasek voting "no"

HERITAGE FUND GRANT FROM ARIZONA STATE PARKS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the awarded Heritage Fund Grant from Arizona State Parks. The award is for \$79,005 and will be utilized for the renovation of an existing trail in the White Tank Mountain Regional Park. (C30040083)

AMENDING OF LAWSUIT ENTITLED MARICOPA COUNTY v. MICHAEL A. WALKER, SR.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the amending of a lawsuit entitled Maricopa County v. Michael A. Walker, Sr., et. al. to add new defendants and include additional real estate. (Discussed in Executive Session on November 3, 2003.) (C44040020) (ADM413)

FUND TRANSFERS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

SOLICITATION SERIALS

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Solicitation Serials:

**03044-S
CONTINUED
TO 12/3/03**

MITIGATION SERVICES SPECIALIST(S) (\$350,000 est/two (2) years w/four one year renewal options) (This item continued from the meetings of September 24, October 8, and 22, 2003.)

Award of a two year (2) contract for Mitigation Services Specialist(s) who will investigate, evaluate and present psychosocial and other mitigation evidence for indigent representation.

- Alan L. Ellis
- Christine Lawrence
- Connie A. Curtin
- David K. Wilcox
- Kerri Logan
- Marla V. Ruiz
- Michelle McCloskey
- Nora Shaw Investigations
- Randall Walker
- Tyrone Mayberry

Supervisor Wilcox read a note handed to her from Alan Ellis, citizen, that said, "I just wanted to thank you for your work on the mitigation contract. I intended to thank the board, Mr. Smith and Mr. Kennedy as well as the judges for their willingness to inform themselves of our concerns and work to address them."

03057-RFP

FLOOD FORECASTING AND STORM MODELING (\$170,000 est/one (1) year)

Award a pricing agreement for flood forecasting and storm modeling consulting Services to be used by the Flood Control District in forecasting watershed/drainage characteristics of Maricopa County.

- Cybernology, Inc.

03119-SC

MICROFILMING SERVICES (\$1,500,000 est/three (3) years with three (3) one-year renewal options)

Pricing agreement to provide microfilming services to Maricopa County Recorder's Office and other departments as required.

- Arizona Imaging Systems

03200-C

VANS, NON-ADA (\$232,821.42 est/one (1) year with four one year renewal options)

Pricing agreement to purchase six Non-ADA Vans for the Human Services Department.

- Cunningham Commercial Vehicles

Contract Extension:

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Extension of the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until November 30, 2005

- 00136-RFP AERIAL IMAGING SERVICES** (\$1,030,000 est/two (2) years)
Recommendation for two-year extension of pricing agreement for aerial photography services as requested by the Assessor's Office, Flood Control District and McDOT.
- Stewart GEO Technologies, Inc.

Increase in the contract amount for the following contract(s). This request is due to an increased usage by County departments:

- 03038-C FUEL FOR ABOVEGROUND TANKS** - Increase contract value from \$120,000 to \$140,000
This \$20,000 increase is requested by the Equipment Services Department to offset increased fuel costs and for the purchase of additional fuel for a new MCSO Substation. This contract was initially awarded by the Board on September 24, 2003, and has an expiration date of August 31, 2005.
- Brown Evans Distributing Company

NON-FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a non-financial Intergovernmental Agreement (IGA) between the State of Arizona and Maricopa County regarding the use of property owned by the State of Arizona consisting of two abandoned block buildings that have been scheduled for demolition to be used by the Maricopa County Sheriff's Office Tactical Unit SWAT Team for one day live fire training exercise. (C75040062)

~ Supervisor Wilcox left the meeting ~

DENY KENNEL PERMIT

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to deny the application for a kennel permit for E. Shabazz, dba Shabazz Kennels, 2529 East Culver Street, Phoenix, AZ 85008 (Mailing Address: P O Box 5041, Phoenix, AZ), for the term of October 22, 2003, through October 21, 2004. Animal Care & Control inspected the kennel premises on August 25, 2003, and found unsanitary conditions and lack of food and water for the animals. (C7904030C) (ADM2304)

TRANSFER AND EXPENDITURE AUTHORITY

Per ARS §42-17106(b), motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a transfer and expenditure authority from FY 2003-2004 contingency funds in the amount of \$97,231 from Appropriated Fund Balance (480) Detention Fund (Fund 255) General Contingency (4811) to Appropriated Fund Balance (480) Detention Fund (Fund 255) Other Programs (4812) with a new line item entitled "Correctional Health: Secured Network". Also, per ARS 016742-17106(b), approve a transfer and expenditure authority from FY 2003-04 contingency funds in the amount of \$165,247 (FY 2005 annualized impact is \$365,625.00) from General Government (470) Detention Fund (Fund 255)

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Reserved Contingency (4711) line item New Facility Operating Costs to the Correctional Health (260) Detention Fund (Fund 255), Approval of this action will allow the Correction Health Services Department to migrate to the Secured Network as required by Federal Law. This request will provide for replacement of Correctional Health's existing PC utilizing the County three-year technology finance program, hiring of support staff and one-time software and other costs associated with this action. (C26040060) (ADM2131)

AMENDMENT TO APPOINTMENTS TO MARICOPA WORKFORCE CONNECTION (MWC), INC.

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Amendment No. 1 to appoint the following three individuals to the Maricopa Workforce Connection (MWC), Inc., which serves as the Workforce Investment Board for the balance of Maricopa County, outside the City of Phoenix, as required under the Workforce Investment Act (WIA) of 1998. The terms are effective upon appointment by the Board through June 30, 2005. (C2204101M01) (ADM2512)

- Bill Manson
- Mike Wall
- Annette Stein

FULL SERVICE LEASE WITH THE BOYS AND GIRLS CLUB OF THE EAST VALLEY, INC.

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve and execute new full service Lease No. L7339 with the Boys and Girls Club of the East Valley, Inc. for a Head Start classroom and playground facility located at 44 North Oak, Gilbert. The lease term is for one year commencing September 1, 2003, through August 31, 2004, with an annual rate of \$4,800, plus rental tax. This agreement contains a 90-day termination clause and does not include any county general funds. (C22041074)

AMENDMENT TO LEASE AGREEMENT WITH THE CITY OF CHANDLER

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Amendment No. 2 to Lease Agreement No. L7178 with the City of Chandler, Lessor for a Head Start classroom and playground facility located at 660 South Palm Lane, Chandler, Arizona. The lease term is for one year commencing January 28, 2004, through January 28, 2005, with the option to renew for one additional year. The annual rental fee is \$3,300, per year plus rental tax. This contract does not include county general funds. (C22041084) (C2299153401) (CS936023)

ADDITIONAL FUNDING FROM ARIZONA FAMILY PLANNING COUNCIL, INC.

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the acceptance of an additional \$4,820 from the Arizona Family Planning Council, Inc., for Title X Family Planning Program services. Contract funding for the term January 1, 2003, to December 31, 2003, will increase from not-to-exceed \$286,020 to not-to-exceed \$290,840. Also, approve, upon award of the grant funds, an appropriation adjustment to Public Health Department Grant Fund (Department 860 /Fund 532) of revenues and expenditures in the amount of the funds awarded by the Arizona Family Planning Council, Inc., not-to-exceed \$4,820. The appropriations adjustment is necessary because these funds were not included in the FY 2004 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C8603115103)

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**AMENDMENTS TO INTERGOVERNMENTAL AGREEMENTS WITH VARIOUS SCHOOL DISTRICTS –
TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Amendment No. 1 to Intergovernmental Agreements, as follows, to provide school-based tobacco use prevention and education services. The terms of the agreements are from Board approval to June 30, 2004. In 1995, as a result of the Tobacco Tax Initiative, the Arizona Legislature authorized the Arizona Department of Health Services to develop community tobacco prevention and cessation programs. The Maricopa County Department of Public Health works with ADHS to identify strategies and implement school-based tobacco use prevention and education services for the unserved areas of Maricopa County. Funding for these agreements is provided by a grant from ADHS and will not increase the county general fund budget.

- a) Peoria Unified School District No. 11, increasing the dollar amount by \$6,000, from \$8,000 to \$14,000. (C8604348201)
- b) Pendergast School District, increasing the dollar amount by \$2,000, from \$20,000 to \$22,000. (C8604350201)
- c) Cave Creek Unified School District, increasing the dollar amount by \$2,000, from \$6,000 to \$8,000. (C8604361201)

CHANGE ORDERS TO CONTRACT WITH MCCARTHY BUILDING COMPANIES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Change Order Nos. 23 and 24 to Contract JE01-04 with McCarthy Building Companies in the amount of \$3,287,045 and \$2,061,937 respectively. This contract is for the construction of the 4th Avenue Jail Adult Detention Facility. Change Order No. 23 is for settlement of all changes through September 30, 2003 and extends the substantial completion date to December 31, 2003. Change Order No. 24 is for improvements to Jackson Street from 2nd Avenue to 9th Avenue as stipulated in agreements with the City of Phoenix. Change Order 24 is only funded by the jail sales tax fund on the one block at the 4th Avenue Jail site. The balance of the change order will be funded by general funds. The increase is within the budget. (C4001011004)

PURCHASE OF 8 UTILITY VANS AND 8 GAS POWERED UTILITY CARTS AND ADD TO THE FLEET

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the purchase and addition to the fleet of 8 Utility Vans and 8 Gas Powered Utility Carts, in support of the maintenance of the new Adult and Juvenile detention facilities at an estimated cost of \$272,000 which is the total budget in Appropriated Fund Balance (480), Detention Fund (255), Other Programs (4812), Line Item New Facility Start-up Expense-FMD (Agenda C49040118). (C70040258) (ADM3104)

EASEMENTS AND RIGHT-OF-WAY

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

A002.002-1 Project No: 68962 - Queen Creek Road Culvert @ Eastern Canal - Temporary
(JPP) Construction Easement and Agreement for Highway Purposes - Parcel No. 304-56-013D - Walker Plow Limited Partnership, La Familia Management Limited Partnership,

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- Keisha Limited Partnership, Sempre Limited Partnership; Nove Filhos Limited Partnership and Los Padres Limited Partnership - for the sum of \$800.00.
- A215.009 (CS) Project No: 69010 - Stacey Road (164th - Higley Road) - Easement and Agreement for Highway Purposes - Parcel No. 304-86-031E - Jeffrey C. Boyd and Rikkie Boyd - for the sum of \$5,742.00.
- A215.009 (CS) Project No: 69010 - Stacey Road (164th - Higley Road) - Purchase Agreement and Escrow Instructions - Parcel No. 304-86-031E - Jeffrey C. Boyd and Rikkie Boyd.
- A260.002 (AC) Project No: 69010 - 222nd Street (Pecos Road - Williams Field Road) - Easement and Agreement for Highway Purposes - Parcel No. 304-34-017E - Joseph H. Libbey and Willie M. Libbey - for the sum of \$7,264.00.
- A260.002 (AC) Project No: 69010 - 222nd Street (Pecos Road - Williams Field Road) - Purchase Agreement and Escrow Instructions - Parcel No. 304-34-017E - Joseph H. Libbey and Willie M. Libbey.
- A267.005 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Warranty Deed - Parcel No. 303-32-007G - Stephen J. Jeffery, James E. McMillen, Lois E. McMillen and Barbara Ann Bier - for the sum of \$2,100.00.
- A267.005 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Purchase Agreement and Escrow Instructions - Parcel No. 303-32-007G - Stephen J. Jeffery, James E. McMillen, Lois E. McMillen and Barbara Ann Bier.
- A267.025 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Warranty Deed - Parcel No. 303-28-001D - Siebe Hamstra and Eileen Y. Hamstra - for the sum of \$90,000.00.
- A267.025-2 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Drainage Easement - Parcel No. 303-28-001D - Siebe Hamstra and Eileen Y. Hamstra - for the sum of \$40,000.00.
- A267.025-6 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Irrigation Easement - Parcel No. 303-28-001D - Siebe Hamstra and Eileen Y. Hamstra - for the sum of \$2,500.00.
- A267.025 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Purchase Agreement and Escrow Instructions - Parcel No. 303-28-001D - Siebe Hamstra and Eileen Y. Hamstra.
- A267.025-5 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Agreement for Right of Entry - Parcel No. 303-28-001D - Siebe Hamstra and Eileen Y. Hamstra - for the sum of \$100.00.
- A267.032 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Warranty Deed - Parcel No. 303-29-105 - Nantucket Village Homeowners Association - for the sum of \$3,000.00.

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- A267.032-6 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Utility Easement - Parcel No. 303-29-105 - Nantucket Village Homeowners Association - for the sum of \$2,400.00.
- A267.032 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Purchase Agreement and Escrow Instructions - Parcel No. 303-29-105 - Nantucket Village Homeowners Association.
- A267.034-1 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No. 303-28-040 - Edward E. Porter and Carol J. Porter - for the sum of \$300.00.
- A267.044-6 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Utility Easement - Parcel No. 303-29-112 - Nantucket Village Homeowners Association - for the sum of \$3,800.00.
- A267.044-6 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Purchase Agreement and Escrow Instructions - Parcel No. 303-29-112 - Nantucket Village Homeowners Association.
- A275.001 (AC) Project No: 69010 - 15th Avenue (Irvine Road - Desert Hills Drive) - Easement and Agreement for Highway Purposes - Parcel No. 211-50-027A - Lee R. Hilton and Sharon Hilton - for the sum of \$23,870.00.
- A275.001 (AC) Project No: 69010 - 15th Avenue (Irvine Road - Desert Hills Drive) - Purchase Agreement and Escrow Instructions - Parcel No. 211-50-027A - Lee R. Hilton and Sharon Hilton.
- A282.004 (CS) Project No: 69010 - Tuthill Road (Queen Creek - Pecos) - Easement and Agreement for Highway Purposes - Parcel No. 400-58-016C - Ricky R. Carpenter and Connie L. Carpenter; Bradley D. Jones; Jeffrey T. Jones; Troy D. Jones, trustee and Lona F. Jones Revocable Living Trust - for the sum of \$10,303.00.
- A282.004 (CS) Project No: 69010 - Tuthill Road (Queen Creek - Pecos) - Purchase Agreement and Escrow Instructions - Parcel No. 400-58-016C - Ricky R. Carpenter and Connie L. Carpenter; Bradley D. Jones; Jeffrey T. Jones; Troy D. Jones, trustee and Lona F. Jones Revocable Living Trust.
- A282.004 (CS) Project No: 69010 - Tuthill Road (Queen Creek - Pecos) - Agreement for Right of Entry - Parcel No. 400-58-016C - Ricky R. Carpenter and Connie L. Carpenter; Bradley D. Jones; Jeffrey T. Jones; Troy D. Jones, trustee and Lona F. Jones Revocable Living Trust - for the sum of \$500.00.

TRAFFIC CONTROLS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following traffic controls: (F23107)

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A 40 MPH SPEED LIMIT ZONE (from a 50 MPH speed limit zone) on 91st Avenue from Camelback Road to Northern Avenue. (This partially rescinds the 50 MPH speed limit zone dated September 4, 1973.) (C64041075)

A DESIGNATED SCHOOL CROSSING on 127th Avenue 10 feet east of Sonoma Drive. (C64041095)

ROAD ABANDONMENT (ROAD FILE NO. 5272)

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) that the following resolution be adopted: (C64041227)

WHEREAS, pursuant to A.R.S. §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

Being a portion of the southwest quarter of Section 22, Township 1 North, Range 7 East, G&SRB&M, Maricopa County, Arizona, and being described as follows:

Commencing at the southwest corner of Section 22, Township 1 North, Range 7 East, G&SRB&M, Maricopa County, Arizona; thence north 89°59'20" east, 235.16 feet to a point on the south line of Section 22; thence north 00°00'04" west, departing said south line, 65.00 feet to the point of beginning; thence south 89°59'20" west, 80.00 feet along the northerly right-of-way of Broadway Road, the beginning of a curve concave northwesterly, having a radius of 15.00 feet; thence northeasterly, departing said northerly line, along the arc of said curve 23.53 feet through a central angle of 89°53'20"; thence north 00°06'00" east, 180.31 feet, to the beginning of a curve concave southwesterly, having a radius of 15.00 feet; thence northwesterly along the arc of said curve 12.62 feet through a central angle of 48°12'13" to a point of reverse curvature, the beginning of a curve concave southerly, having a radius of 45.00 feet; thence easterly along the arc of said curve 217.17 feet through a central angle of 276°30'27" to a point of reverse curvature, the beginning of a curve concave southeasterly, having a radius of 15.00 feet; thence southerly along the arc of said curve 12.51 feet through a central angle of 47°46'57"; thence south 00°06'00" east 180.25 feet to the beginning of a curve to concave northeasterly, having a radius of 15.00 feet; thence easterly along the arc of said curve 23.59 through a central angle of 90°06'40" to the point of beginning.

Said parcel contains 0.38 acres or 16,344 square feet more or less.

WHEREAS, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

WHEREAS, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

NOW, THEREFORE, IT IS ORDERED that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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DATED this 5th day of November 2003.

EXCESS LAND DECLARED

After internal assessment, it has been determined that this property, a portion of tax parcel 500-40-~~004~~ 007-d, 007-f, 005-j and 004, (Parcel corrections made by the Deputy Clerk of the Board) located in the vicinity of Buckeye Road and the Agua Fria River, a 37.45 property acquired as part of the MC85 project, is no longer needed. Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to declare these parcels as excess land. The disposition price will be at fair market value to be determined by a certified licensed appraiser at the time of the sale. (C64040985) (ADM2005)

EXCESS LAND DECLARED

In preparation for the future needs of the Department, this parcel, Number: Z1-0746, acquired as part of MCDOT Project Number 20043, Northwest Corner of 99th Avenue & Southern Avenue, 5.3 acres in size, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to declare this parcel as excess land. The sale price will be at fair market value to be determined by a certified licensed appraiser. (C64041005) (ADM2005)

REIMBURSEMENT TO SOUTHWEST GAS CORPORATION

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve reimbursement to Southwest Gas Corporation for the costs incurred for the design, abandonment and relocation of their conflicting facility at McDowell Road and Longmore Road; in support of Project No. TO61 – (68897), McDowell Road from Loop 101 to Alma School Road. The cost may not exceed the current estimate of \$11,121.33 by more than 10%. (C64041065) (ADM2000-006)

ANNEXATION OF COUNTY RIGHT-OF-WAY BY THE TOWN OF GILBERT

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the annexation by the Town of Gilbert of county right-of-way within the West 33' of Lindsay Road from Queen Creek Road, South ½ mile, together with the North 4' of the West 32' of the East 65' of the Northeast ¼ of Section 18, T2S, R6E, in accordance with Town Ordinance No. 1515. (C64041125) (ADM4206)

INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PEORIA

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement between Maricopa County and the City of Peoria for the Operation and Maintenance of Vistancia Blvd. This IGA is required since the State Land Department is conveying the right-of-way for Vistancia Blvd., which is currently in Maricopa County, to the City of Peoria with the County being responsible for the maintenance and operation of a portion of Vistancia Blvd. until annexation by the City occurs. There is no cost to MCDOT as the roadway will be under warranty by the developer until the annexation takes place. (C64041142) (ADM4212)

ANNEXATIONS OF COUNTY RIGHT-OF-WAY BY THE CITY OF GOODYEAR

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve annexations by the City of Goodyear of County right-of-way, as follows:

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- a) Van Buren Street (Sarival Avenue to Estrella Parkway), in accordance with Ordinance No. 03-867. (C64041155) (ADM4208)
- b) Yuma/Buckeye Road (Sarival Avenue to ½ mile west of Cotton Lane), in accordance with Ordinance No. 03-868. (C64041165) (ADM4208)

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Maricopa Integrated Health Systems Personnel Agenda (Exhibit F). (List on file in the Clerk of the Board's Office.)

CONTRACT WITH COMMUNITY HOSPITAL ASSOCIATION, INC., dba WICKENBURG REGIONAL MEDICAL CENTER

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a new contract with Community Hospital Association, Inc. dba Wickenburg Regional Medical Center for provision of hospital services for Maricopa Integrated Health System – Health Plan (MIHS-HP) members. The term of the contract is upon Board approval through September 30, 2008. This contract will be funded through the pool established by Agenda C6002067, for all hospital services, with a current not-to-exceed amount of \$121,636,000. This contract has a 90-days termination for convenience provision and can be extended to a maximum term of five years. (C60040931)

REAPPOINT THOMAS L. CAMP

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to reappoint Thomas L. Camp as a Director to the Pollution Control Corporation Board of Directors, for a six-year term commencing December 1, 2003, and expiring December 1, 2009. (ADM5100-001)

ACCEPT THE RESIGNATION OF RICHARD N. MORRISON

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the resignation of Richard N. Morrison, effective October 15, 2003, and appoint John W. Seely as a Director to the Pollution Control Corporation Board of Directors, term to expire December 1, 2005. (ADM5100-001)

REAPPOINT SUSAN SCHUERMAN

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to reappoint Susan Schuerman to the Corrections Officer Retirement Plan Local Board, as the Chairman's designee, effective January 1, 2004. (ADM3332-001)

REAPPOINT JOHN GARCIA

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to reappoint John Garcia to the Public Safety Personnel Retirement System Local Board, as the citizen appointee. The term of reappointment will be from the date of Board approval through September 30, 2007. **[Clerk's Note:** This is not an official part of the minutes. This appointment is to the Sheriff's Public Safety Personnel Retirement System Local Board.] (ADM3904-001)

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BOARD MEMBER CHANGES TO THE TRANSPORTATION ADVISORY BOARD

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following actions: (C06040189) (ADM2038)

- a) Rescind the action taken on October 22, 2003, appointing Terry Marron to the Transportation Advisory Board. He did not sign an official oath of office, and accordingly, has not served in an official capacity.
- b) Appoint Jason Morris to the Transportation Advisory Board, as the District 3 nominee. The term of appointment will be from the date of Board approval through September 7, 2006.

APPOINT MS. MACLOVIA ZETPEDA

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to appoint Ms. Maclovía Zetpeda to the Board of Health, as the District 5 nominee. The term of appointment will be from the date of Board approval through February 5, 2006. (C06040199) (ADM2101)

HEARING SET - ROAD FILE DECLARATIONS

Petitions have been filed for declaration of the following roads into the County highway system. Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to schedule hearings for 9:00 a.m., Wednesday, December 3, 2003:

Road File A099-B: General vicinity of 87th Avenue from Camino del Oro to Calle Lejos. (C64041085)

Road File A278: General vicinity of Minton Road from end of maintenance to 35th Avenue. (C64041115)

Road File A298: General vicinity of 45th Avenue from Dobbins Road to Euclid Avenue. (C64041105)

HEARING SCHEDULED - PLANNING AND ZONING CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for (meeting date), 2003, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2001-050

MINUTES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve minutes of the Board of Supervisors meetings held September 10 and 16, 2003.

PAYMENT OF EMPLOYEE CLAIMS TO THE ARIZONA STATE RETIREMENT SYSTEM

No claims were reported at this time. (C31040018) (ADM3309)

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CONTRIBUTIONS FOR 2004 COMBINED CHARITABLE CAMPAIGN

No claims were reported at this time. (C88040057) (ADM3311-002)

CONTRIBUTIONS GENERATED FOR THE 2004 NACO ANNUAL CONFERENCE

No claims were reported at this time. (C2003015M) (ADM652)

CLAIM SETTLEMENT WITH BANNER HEALTH, MEDICAL SERVICE PROVIDERS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve settlement of claims with Banner Health, medical service providers pursuant to the Board approved MIHS-HP Claims Resolution Process. Agreements approved are on file in the Office of the Clerk of the Board of Supervisors. (ADM409-001)

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated November 5, 2003, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

OFFICIAL APPOINTMENT AND OATH OF OFFICE OF LAWRENCE S. MAYER

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the Official Appointment and Oath of Office of Lawrence S. Mayer as reserve county attorney detective in the Office of the County Attorney.

OFFICIAL APPOINTMENT AND OATH OF OFFICE OF ALLISTER DENITTO

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the Official Appointment and Oath of Office of Allister DeNitto as special deputy county attorney in the Office of the County Attorney.

SECURED TAX ROLLS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve requests from the Assessor for corrections of the Secured Tax Rolls in accordance with the report on file in the Office of the Clerk of the Board of Supervisors. (ADM705)

Tax Roll	From No.	To No.	Net Result
2000	11857	11888	-\$11,290.94
2001	37412	37436	-\$17,364.80
2001	37437	37447	-\$946.36
2002	12596	12676	-\$10,745.16
2002	12677	16702	-\$18,579.52
2002	12703	12715	-\$3,528.82

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2003	2301	2499	- \$588,297.36
2003	2500	2728	- \$1,041,508.04

TAX ABATEMENTS FROM THE TREASURER'S OFFICE

None were reported at this time. (ADM708)

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
Corby Naylor	Litchfield Elem SD #79	14-0035153	\$1,022.32
AZ School Boards Assoc.	Palo Verde SD	49509678	\$751.00
Frida L Crawford	Saddle Mountain USD #90	140032835	\$217.73
Apple Computer	Madison SD #38	44-007208	\$2,362.00
Shamrock Dairy	Osborn SD	440009025	\$885.78
Maria E Castillo	Roosevelt SD #66	14-0037392	\$253.92
Condor USA	Madison SD #38	44-0013304	\$420.00
Support Payment Clearinghouse	Phoenix Elem SD #1	44-0039962	\$5,210.16
Mary Gibbons	Balsz SD #31	44-0041493	\$1,385.29
Nextel	Arlington SD	44-0011265	\$381.48
Michael Philofsky	Avondale Elem SD	44-35162	\$50.00

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the settlement of tax cases, list dated November 5, 2003. (ADM704)

2002

TX 02-000559

2002/2003/2004

TX 01-000563

2003

ST 03-000022

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the Assessor's recommendation to change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

PARCEL NO.	YEAR	OWNER	FROM	TO
102-08-172	2001	Marie Nevarez	LC/4	LC/3
102-08-172	2002	Marie Nevarez	LC/4	LC/3
102-08-172	2003	Marie Nevarez	LC/4	LC/3

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102-19-158	2001	Martinez Ramona	LC/4	LC/3
102-19-158	2002	Martinez Ramona	LC/4	LC/3
102-19-158	2003	Martinez Ramona	LC/4	LC/3
103-20-461	2003	Manuel Rivera	LC/4	LC/3
108-16-142A	2001	Lejandro Romero	LC/4	LC/3
108-16-142A	2002	Lejandro Romero	LC/4	LC/3
108-16-142A	2003	Lejandro Romero	LC/4	LC/3
135-39-212	2003	Onnie Grosskope	LC/4	LC/3
142-53-153	2001	Jo Anne Morris	LC/4	LC/3
142-53-153	2002	Jo Anne Morris	LC/4	LC/3
142-53-153	2003	Jo Anne Morris	LC/4	LC/3
143-12-139	2003	Deborah Baratta	LC/4	LC/3
143-20-190	2001	Carlos Flores	LC/4	LC/3
143-20-190	2002	Carlos Flores	LC/4	LC/3
143-20-190	2003	Carlos Flores	LC/4	LC/3
144-03-065	2001	Patricia Lynch	LC/4	LC/3
144-03-065	2002	Patricia Lynch	LC/4	LC/3
144-03-065	2003	Patricia Lynch	LC/4	LC/3
144-22-204	2001	Michael Shepherd	LC/4	LC/3
144-22-204	2002	Michael Shepherd	LC/4	LC/3
144-22-204	2003	Michael Shepherd	LC/4	LC/3
144-25-277	2001	Jorge Segura	LC/4	LC/3
144-25-277	2002	Jorge Segura	LC/4	LC/3
144-25-277	2003	Jorge Segura	LC/4	LC/3
147-08-104	2001	Rafi Alkhatib	LC/4	LC/3
147-08-104	2002	Rafi Alkhatib	LC/4	LC/3
147-08-104	2003	Rafi Alkhatib	LC/4	LC/3
148-19-069	2001	Yolanda Cressler	LC/4	LC/3
148-19-069	2002	Yolanda Cressler	LC/4	LC/3
148-19-069	2003	Yolanda Cressler	LC/4	LC/3
148-28-051	2001	Deborah Snider	LC/4	LC/3
148-28-051	2002	Deborah Snider	LC/4	LC/3
148-28-051	2003	Deborah Snider	LC/4	LC/3
153-11-043	2001	Muhamedagir Nijaz	LC/4	LC/3
153-11-043	2002	Muhamedagir Nijaz	LC/4	LC/3
153-11-043	2003	Muhamedagir Nijaz	LC/4	LC/3
160-51-181	2003	Jean'a Van Sickle	LC/4	Mixed
200-30-021	2001	Carl Wloch	LC/4	LC/3
200-30-021	2002	Carl Wloch	LC/4	LC/3
200-30-021	2003	Carl Wloch	LC/4	LC/3
200-75-490	2001	Carol Kadri	LC/4	LC/3
200-75-490	2002	Carol Kadri	LC/4	LC/3
200-75-490	2003	Carol Kadri	LC/4	LC/3
200-76-195	2002	Greg Diehl	LC/4	LC/3
200-76-195	2003	Greg Diehl	LC/4	LC/3
215-40-067	2003	Vincent Bianchi	LC/4	LC/3
216-74-076	2002	Kathleen Blake	LC/4	LC/3
216-74-076	2003	Kathleen Blake	LC/4	LC/3
231-05-628	2001	Lynne A Flyte	LC/4	Mixed
231-05-628	2002	Lynne A Flyte	LC/4	LC/3

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231-05-628	2003	Lynne A Flyte	LC/4	LC/3
302-81-226	2001	Serafin Burciaga	LC/4	LC/3
302-81-226	2002	Serafin Burciaga	LC/4	LC/3
302-81-226	2003	Serafin Burciaga	LC/4	LC/3
304-15-426	2003	Kenneth Cummins	LC/4	LC/3
307-03-055	2002	Toni Daniels	LC/4	Mixed
307-03-055	2003	Toni Daniels	LC/4	LC/3
307-03-055	2003	Toni Daniels	LC/4	LC/3
501-23-096	2001	Abdon Castro	LC/4	LC/3
501-23-096	2002	Abdon Castro	LC/4	LC/3
501-23-096	2003	Abdon Castro	LC/4	LC/3

COMPROMISES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held October 20, 2003.) (ADM407)

Gregory Amendola	\$ 8,500.00	Jay Casten	\$ 1,000.00
Juan Germes	12,000.00	Michael Hanin	4,000.00
Xavier Martinez	1,582.60	Brenda Medina	5,000.00
Brandon Pablo	4,000.00	Charles Payne	35,000.00
Socorro Perca	4,484.01	Luis Perea	5,751.93
Ernesto Perez	400.00	Roberto Perez	250.00
Shellie Snow	150,000.00	Steven Snow	35,000.00
Ian Stenhouse	8,000.00	Eldon Woods	2,030.00

WRITE-OFF

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the requested write-offs as payment in full. (Discussed in Executive Session held October 20, 2003.) (ADM407)

Samia Farag	\$85,081.78	Russell Flynn	\$33,593.82
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~ Supervisor Wilcox returned to the meeting ~

PUBLIC COMMENT

No member of the public came forward to speak at this time. (ADM605)

SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS

Supervisor Wilcox said that Mexican President Fox had come to the Valley yesterday and she had attended several events in his honor. She extended her thanks to Governor Napolitano and the Sonora/Mexico Commission for hosting his visit. She remarked on the importance of Arizona's expanding the good neighbor policy with Mexico and especially with the State of Sonora as there are many business opportunities and health issues impacting both. (ADM606)

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Supervisor Wilson agreed with her assessment saying he had attended some events and listened to President Fox with interest. He added he had also been on the lead float in the parade held in Sun City West in celebration of their 25th Anniversary. This celebration began last year and he said he would continue to celebrate with them until the end of December when the celebration will conclude.

Supervisor Stapley thanked the voters who took the time to vote yesterday and for the trust they had placed in the County system by passing Proposition 414. He said that the Legislature had fashioned the proposition to require the Board of Supervisors to act as the Board of Directors for the new Hospital District until a new District Board of Directors could be elected in the fall of 2004. He added that a District format of governance for the hospital is a far superior structure than the County and for him that was the most compelling issue. He thanked those editorial writers who understood that fact and gave their support. He commented on his sincere appreciation for the tremendous grassroots support from faith-based organizations, professional medical associations and the hospital association, saying it was very effective statewide. He said, "I take very seriously the role we play now as an interim Board of Directors for that new Hospital District. We will be rolling our sleeves up beginning later this morning to begin our work on it."

PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. All five Board Members remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

Chairman Brock stated that Item 8 on the Regular Planning Agenda would be moved for consideration before the Consent Agenda was heard, as requested by Supervisor Wilson because a large number of Sun City West citizens had come to attend the hearing.

REGULAR AGENDA DETAIL

- 8. Z2003-061 District 4** (This case requires a ¾ majority vote to approve, due to opposition from adjacent property owners.) (Continued from hearing of October 22, 2003.)
- Applicant:** Sender Associates, Chartered for L.B. Apartment Communities
- Location:** Southeast corner of Deer Valley Dr. & 151st Ave. (in the Sun City West area)
- Request:** Rezone from Rural-43 to R-5 R.U.P.D. with a Plan of Development for apartments - Deer Valley Senior Community (7.8 ac.)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2003-061 with a stipulation "s" requiring elevators. Commissioner Aster seconded the motion, which failed with a majority vote of 7-1, indicated by roll call as follows:

Commissioner Aster – no	Commissioner Clayburg – yes
Commissioner Beckley – no	
Commissioner Gulbrandsen – no	
Commissioner Munoz – no	
Commissioner Smith – no	
Commissioner Harris – no	
Chairman Pugmire – no	
Commissioner Jones – abstained	

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COMMISSION ACTION: Commissioner Beckley moved to recommend approval of Z2003061, subject to the following stipulations "a" through "r". Commissioner Munoz seconded the motion, which passed with a majority vote of 7-2, indicated by roll call as follows:

Commissioner Aster – yes	Commissioner Clayburg – no
Commissioner Beckley – yes	Commissioner Jones - no
Commissioner Gulbrandsen – yes	
Commissioner Munoz – yes	
Commissioner Smith - yes	
Commissioner Harris – yes	
Chairman Pugmire – yes	

- a. Development shall be in substantial conformance with the site plan consisting of seven (7) full-size sheets entitled "Deer Valley Senior Community", date stamped by the architect July 3, 2003 and stamped received July 14, 2003. Prior to Zoning Clearance, the applicant shall revise the site plan to relocate the refuse container along the eastern property line to the west side of the parking lot and to reflect any stipulated changes to the site plan.
- b. Development of the site shall be in conformance with the narrative report entitled "Deer Valley Senior Community", consisting of sixteen (16) pages, dated revised July 11, 2003, and stamped received July 14, 2003, except as modified by the following stipulations.
- c. All buildings within 180' of any property line adjacent to existing residential development shall be limited to one story in height.
- d. The maximum number of dwelling units shall be 180.
- e. Prior to Zoning Clearance, the applicant shall submit CC&Rs for the subject property that indicate the apartments are limited to tenants 55 years of age and older.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- g. Handicap ramps will be required at drives.
- h. The driveway on 151st Avenue shall be a maximum of 40 feet in width.
- i. Auxiliary lanes or other off-site improvements, as recommended in the approved Traffic Impact Study, will be the responsibility of the applicant.
- j. Prior to site development approval, the owner or agents of the property shall obtain a drainage clearance from the Flood Control District as a part of the building permit. The drainage clearance will require that a grading plan be submitted providing a registered professional civil engineer's certification statement to read, "I certify that all finished floor elevations are free from inundation during the 100-year peak runoff event." Additionally, the retention requirements for this site only require first flush, which is the first ½ inch of runoff to account for the required volume or first flush treatment/filtration.

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- k. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- l. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- m. All trees shall be double-staked when installed.
- n. Major changes to the Precise Plan (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- o. Major changes to the Precise Plan shall require a Citizen Participation Process.
- p. Noncompliance with the Plan of Development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- q. This rezone is conditional upon a building permit being obtained with two years from the date of approval by the Board of Supervisors.
- r. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

Joy Rich reported on the background of this case, saying that more than 100 people had protested approval of this item. She added that two residents had spoken in support at the Planning meeting. She indicated that Sun City West also opposes the request as proposed. The original proposal was for a three-story complex and this has since been changed to a two-story complex with some one-story casitas. Protestors concerns centered on their dissatisfaction with the number of units and the fact there were no elevators in the two-story buildings despite the fact that it was planned for senior citizens. The Planning Commission capped the density at 180 units but did not stipulate a need for elevators. Ms. Rich said she thought the protestors felt they could support 100 units.

Those signing speaker slips protesting this action included Bill Hafeman, Planning and Zoning Director for PORA, Nanette Vargus, Randy Fuller, PORA, Janet Martinson, Paul Warren, Elaine Warren, Ronald D. Fano, Frank Kaminski, Charlie Habson, Ealter Elliott, Donald Schmidt, Pat Holm, Louis Palmaccio, Caryl Shafer, Dorothy Tewhill, Mel Nuzum, Bob Oserin, Joyce M. Fano, Carl Fischer, Chuck Gamcres, Zoe Schreibman, Norvel V. Bauman, Steve Holm, Dubna Willoughby, Janet Bindinelli, Kenneth R. Bell, Mary D. Bell, Jack Schuver, Clara V. Watts, Corrine Drolo, Charlotte Yaw, Shirley A. McGarrigle, Irene Weitzman, Mira Michaud. Most of these turned their time over to Bill Hafeman and did not speak. Darin Sender, applicant, Wilma Campbell, Sender Associates, and Sandra Lenocker, owner of the subject property, signed slips in favor of this rezoning and Plan of Development. Signing with no designation was Tom Cook, President Governing Board Recreation Centers of Sun City West.

Darin Sender, representing the applicant, said the corner site has 9.04 gross acres and is in an appropriate location between the Prince of Peace church to the north and an Alzheimer's facility and

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hospice on the southwest corner. She indicated that a lot of work had been done with PORA on use of appropriate colors to compliment the surroundings, that many other changes had been accepted as recommended by the neighboring property owners and that meetings had been held with PORA beginning as early as last December 9th. Their first neighborhood meeting was June 19th and they met with PORA again on September 19 after approval from Planning and Zoning, asking how best to make their design work with PORA objectives. Subsequent meetings were held showing the significant architectural changes that had been made to comply with those wishes, i.e., reducing the number of units, lowering the height and changing to one-story casitas among others. She also listed the latest additional changes to make the plan more amenable to PORA's requests. These included cluster locations, enlarging unit sizes, increasing setback widths, additional parking and access roads. With regards to elevators in the two-story units, she indicated they had researched many senior complexes with two-stories that had no elevators but they were willing to consider adding these as well.

She explained that they have "really worked hard to solve every issue" that has come up and reported on several areas where they have provided more than is required by ordinance or area plan and said they are comparable with other similar living facilities in the State. She touched on traffic studies that indicate only 4,000 trips per day on the bordering major arterial streets and this is not foreseen to go above 6,000 and this is considered to be light.

Chairman Brock indicated he'd received a letter from her requesting additional time to run some density numbers and asked if she planned to ask for a continuance of this matter. Discussion ensued between the Chairman, Supervisor Wilson and Ms. Sender on a continuance to December 3, 2003.

Randy Fuller said they had attempted to relate the PORA's views opposing this project to the applicant from the beginning of their discussions to the present. He said that PORA has received no information on changes from the developer since the October 13th meeting.

Bill Hafeman said they had spent a great deal of time with the developer during the past year in an attempt to find an acceptable plan of development for this 7.8-acre parcel. PORA continues to overwhelmingly oppose this project. Their main opposition centers on too many apartments on too small a tract of ground; two-story buildings within 180 feet of private properties as "too imposing and not compatible;" and they feel the project has a gross shortage of parking spaces. He said that PORA has formulated a number of recommendations for the Board that lists concerns of residents and he discussed these and the solutions they suggest to attain their approval.

Tom Cook spoke on the recreational facilities supplied by the Recreation Centers of Sun City West and explained their fee requirement to "buy into our facilities" saying that the present fee for a residential unit is \$8,000 per unit. He asked the Board to include a stipulation that requires the builder to comply with this and become compatible with their community before they can proceed with the project. He said they do not want "an island" created with people being denied use of the many features they provide (swimming, golf, bowling, libraries, etc.).

Nanette Vargus, a neighbor, asked that the age limit be retained. She is concerned that the top floors won't be rentable because there are no elevators and the owner would later ask for the age limit to be lowered to compensate for this. She agreed with both the PORA concerns and with Mr. Cook's request that the recreational requirements be met.

Wilma Campbell lives across the street from this site and said she sees no problems with building this facility. She added that the property is now "a very ugly lot" and this new facility would be an asset. She knows many people who would move into the apartments because they are tired of taking care of their

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big yards. She indicated that Mr. Hafeman and Mr. Cook “do not speak for me at all” and said she was baffled at all of the opposition. She added that she didn’t anticipate the seniors who would be moving into the apartments would impact the traffic or create any driving problems.

Sandra Lenocker said that her father bought the 50 acres containing this site more than 60 years ago and that was long before Del Webb’s vision for Sun City and Sun City West took shape. Her family sold some land to Del Webb and she said that the community had built up around this last piece of her family’s property making it difficult to sell. She indicated that they had worked hard to be good neighbors over the intervening years. She said, “When the County insisted that the Sun City West Master Plan include some commercial zoning we agreed to have our property designated for future commercial use. A few years ago we had an agreement to sell the land to Walgreen’s for a drugstore. PORA raised such a ruckus over that proposal that Walgreen’s eventually backed out.” She indicated that the family came to the conclusion that despite the zoning designation PORA would not likely approve of any commercial use. She said that the proposed senior apartment complex is esthetically pleasing and would have much less impact on the area than most commercial uses and this is why they agreed to sell the property for this use. “By this sale, we are down-zoning the property and in effect compromising the value of our property out of respect for our neighbors.” She added, “PORA objected previously when we tried to sell the land to a commercial developer. PORA is objecting now as we are trying to sell to a residential developer. If PORA manages to block this project we can’t imagine what else we can do with it.”

Supervisor Wilson said he would not recommend approval of the project as it is and asked for a two-week continuation.

In response to a question from Supervisor Wilcox on the recreational fee, Mr. Wilson said that it is automatic for everyone who lives in Sun City West and Mr. Cook said that the buy-in fee is \$8,000 to become a member of the association and the annual fee is \$180.

Supervisor Kunasek said there had been several other expansions in Sun City West and asked if the County had been asked to stipulate anything about making the recreational fee mandatory for those. He asked County Counsel to review Mr. Cook’s request that the recreational fee be stipulated to in this zoning case as he felt it could be challenged legally.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this matter to the December 3, 2003, meeting.

CONSENT AGENDA DETAIL:

- | | | |
|-----------|-------------------|---|
| 1. | S2003-041 | District 3 |
| | Applicant: | Stanley Consultants, Inc. |
| | Location: | Northwest corner of Daisy Mountain Drive & Gavilan Peak Parkway |
| | Request: | Final Plat in the C-2 C.U.P.D. zoning district for Anthem South Side Mixed Use Unit 2 |

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve this final plat.

- | | | |
|-----------|-------------------|---|
| 2. | S2003-045 | District 3 |
| | Applicant: | Stanley Consultants, Inc. |
| | Location: | Northeast corner of Daisy Mountain Drive & Gavilan Peak Parkway |

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Request: Final Plat in the C-2 C.U.P.D. zoning district for Anthem South Side Mixed Use Unit 1

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve this final plat.

- 4. Z2003-064 District 1**
Applicant: Mike Cronin for Johnson Enterprises
Location: North of Loop 202 and east of Alma School Rd. (in the north Mesa area)
Request: Special Use Permit (S.U.P.) for a wireless communications facility in the IND-2 zoning district, Cellular Use District 1 - Alltel Monopole Antenna (0.02 ac.)

COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z2003-064, subject to the following stipulations "a" through "j". Commissioner Gulbrandsen seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "Alltel Request for a Special Use Permit for a Wireless Facility Maricopa County Case No. Z2003064", consisting of one (1) full-size sheet, dated revised September 23, 2003, and stamped received September 25, 2003 except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Narrative Report for Alltel Monopole Antenna" consisting of five (5) pages, date revised July 28, 2003, and stamped received August 12, 2003 except as modified by the following stipulations.
- c. Major changes to this Special Use Permit (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- d. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- e. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.
- f. A written status report will be required 20 years from the date of Special Use Permit approval by the Board of Supervisors for the purpose of record retention.

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- g. All future cabling between equipment on the ground and antennas on the tower shall be internal and not be allowed to run external to the tower, unless covered and of the same color as the tower.
- h. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- i. Development of the site shall remain in compliance with all regulations of the Maricopa County Department of Transportation, Maricopa Environmental Services Department, The Flood Control District of Maricopa County, and the Maricopa County Planning and Development Department. Failure to maintain compliance will be grounds for revocation of the Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- j. Xeriphytic landscaping shall be placed along the outside of the wall surrounding the compound for the ground equipment. Landscaping shall include at a minimum, five (5) 15-gallon bushes, of a xeriphytic nature. The landscape element shall be arranged by a licensed Landscape Architect to generally act a visual screen at the outside of the walled compound screening the site from the Loop 202.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation from the Planning for approval subject to stipulations "a" through "j."

- 5. Z2003-073 District 2**
Applicant: Sean Smith of Technical Solutions for American Tower and Francis & Rose Ellis
Location: 21915 E. Thirsty Earth Trail - approx. 2-mi. north of S.R. 87 (in the Goldfield Canyon area)
Request: Renewal of a Special Use Permit (S.U.P.) for a wireless communications facility in the Rural-190 zoning district, Cellular Use District 1 - Adams Mesa/American Tower (5.17 ac.)

COMMISSION ACTION: Commissioner Gulbrandsen moved to recommend approval of Z2003-073, subject to the following stipulations "a" through "h". Commissioner Barney seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "ADAMS MESA/FTN HILLS". Consisting of two (2) full-size sheets, dated July 18, 2003 and stamped received July 30, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Verizon/American Tower Corporation – Fountain Hills/Adams Mesa" consisting of two (2) pages, stamped received July 30, 2003.
- c. Major changes to this Special Use Permit (site plan and narrative report), or the conditions of approval, shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor

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changes may be administratively approved by staff of the Planning and Development Department.

- d. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- e. The monopole together with all antennas and attachments will not exceed 55 feet in height as measured from base ground level.
- f. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.
- g. A Status Report shall be required 20 years from the date of the Special Use Permit approval by the Board of Supervisors, for the purposes of record retention.
- h. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation from the Planning for approval subject to stipulations "a" through "h."

REGULAR AGENDA DETAIL:

Chairman Brock moved Item #3 from the Consent Agenda to the Regular Agenda at the request of John Reilly and Sam West.

- 3. S2003-060 District 2**
Applicant: Fleet Fisher Engineering
Location: Between Dixileta Drive and Rio Verde Drive along 152nd Street (in the Scottsdale area)
Request: Final Plat in the Rural-43 zoning district for Rio Mountain Estates Unit 1

Mr. Reilly, citizen, wanted a stipulation inserted to allow a horse trail through this subdivision's wash because riders have long been using it to ride their horses.

Supervisor Stapley said today's action is just to approve the final plat and it is not the time to insert stipulations. He asked Mr. Reilly to contact the applicant to see if they would agree to his request.

Joy Rich said that the subdivision regulations do not require a horse trail but the applicant could still be approached on this matter.

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Supervisor Kunasek said that the applicant had complied with all requirements and he wasn't sure if the Board could amend this at the final plat stage if applicant is in compliance with the zoning code.

Sam West, citizen, opposes this case and asked for a continuance. He said that the developer had been asked some time ago to include a horse trail and has refused. The developer told him that when the project was fully developed it would block all east-west horse trails on the north side of Dynamite Road. He also stated that he believes there are lots included in the plat that are in floodways and drainage easements, which would prevent houses being built on them for lack of adequate land area to hold residences and their septic systems.

In response to questions from Supervisor Stapley, Joy Rich said, "The zoning ordinance was met and she has sign-offs from the engineering specialists in the Flood Control District indicating their belief that this is an appropriate plat and these are buildable lots."

Supervisor Stapley said he believed caution was called for and asked for a two-week continuance for a full review on these matters. He added that in looking at the plat he had worries about lots 42 and 43 where the front of the lot is the drainage area. He wants the developer to understand the constraints on those lots and to be willing to accept responsibility if the lots turn out to be unbuildable. He thanked Mr. West for bringing this matter to the Board's attention.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this matter to the December 3, 2003, meeting.

- 6. Z2002-013 District 4**
Applicant: Art Elftmann, et al.
Location: Approx. 1-mi. west of Dean Rd. on Eagle Mountain Rd. (in the Rainbow Valley area)
Request: Special Use Permit (S.U.P.) for an R.V. Park and package sewage treatment facility in the Rural-43 zoning district - Eagle Mountain R.V. Park (19.4 ac.)

COMMISSION ACTION: Commissioner Clayburg moved to recommend denial of Z2002-013. Commissioner Aster seconded the motion, which failed with a majority vote of 4-3.

Commissioner Gulbrandsen – no
Commissioner Aster – yes
Commissioner Smith - no
Commissioner Munoz – yes
Commissioner Barney - no
Commissioner Clayburg - yes
Chairman Pugmire - no

COMMISSION ACTION: Commissioner Smith moved to recommend approval of Z2002-013, subject to the following stipulations "a" through "bb". Commissioner Gulbrandsen seconded the motion, which passed with a unanimous vote of 4-3.

Commissioner Gulbrandsen – yes
Commissioner Aster –no
Commissioner Smith- yes
Commissioner Munoz – no
Commissioner Barney - yes
Commissioner Clayburg – no
Chairman Pugmire-yes

- a. Development and use of the site shall comply with the site plan entitled "Site Plan for Special Use Permit for Eagle Mountain RV Park", consisting of twelve (12) full-size

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sheets, dated revised June 6, 2003, stamped by the Civil Engineer June 2, 2003, and stamped received July 7, 2003, except as modified by the following stipulations.

- b. Development and use of the site shall comply with the narrative report entitled "Eagle Mountain RV Park and Resort", consisting of nine (9) pages, stamped received July 7, 2003, except as modified by the following stipulations.
- c. Within 30 days of Board of Supervisors approval the applicant shall submit a revised site plan that addresses the following issues:
 - The revised site plan shall indicate the 40' dedication along the north end of the property.
 - A 25' x 25' sight visibility triangle shall be shown adjacent to either side of the main entrance to the project. No structures or vegetation over 2' in height shall encroach into this area, except for the approved cattle fence.
 - An Arizona State Department of Agriculture approved cattle guard shall be shown at both locations where the roadway crosses the property line.
 - The 10' setback line shall be deleted.
 - Show a typical parking space dimension of 9' x 18'.
- d. Prior to zoning clearance, the applicant shall apply for a Variance to the perimeter wall requirement, similar to that which was approved under BA2002081. Should said Variance request be denied, the applicant shall apply for an Administrative Amendment to the Special Use Permit in order to indicate the required perimeter wall.
- e. Prior to zoning clearance, both parcels contained within the subject site shall be combined.
- f. The applicant shall comply with the following Maricopa County Environmental Services Department (MCESD) stipulations:
 - i. Prior to zoning clearance, the applicant shall obtain from the MCESD an Approval to Construct for the proposed waste water treatment facility.
 - ii. Prior to zoning clearance, the applicant shall obtain from the MCESD an Approval to Construct for the proposed water distribution system.
 - iii. Prior to Certificate of Occupancy, the applicant shall apply for and obtain a Trailer Coach Operating Permit from the MCESD.
- g. On-site retention shall be provided to capture and retain the first one-half inch of runoff from the site.
- h. All outdoor lighting shall be limited to low pressure sodium or incandescent bulbs not to exceed 150 watts. Said lighting fixtures shall be limited in height to 8' above adjacent ground level and shall otherwise comply with Article 1112 of the Maricopa County Zoning Ordinance.
- i. The applicant shall abide by all local, State, and federal laws and regulations regarding cultural resource and habitat loss mitigation.

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- j. The applicant shall abide by all local, State, and federal laws and regulations regarding the National Pollution Discharge Elimination System.
- k. The site shall be developed in accordance with the requirements of the Fire District. The applicant shall provide written documentation of compliance with this stipulation at the time of zoning clearance.
- l. The barbed wire fence proposed for the perimeter of the property shall meet Arizona State Department of Agriculture standards for a legal cattle fence. Any pedestrian passages through the fence shall be designed to not allow cattle to enter the property. The fence shall be maintained in good repair at all times.
- m. Prior to zoning clearance, the applicant shall provide written documentation from the Bureau of Land Management that an ingress/egress easement has been recorded in favor of the applicant such to provide legal access to the property in a manner that coincides with the existing physical access and proposed project entrance as shown on the site plan stated in stipulation "a" above.
- n. The applicant shall make improvements to Eagle Mountain Road. Said improvements shall consist of 2-½" of asphalt concrete over 6" of aggregate base course and shall be at a width of 24'. Said improvements shall extend from the intersection of Eagle Mountain Road and Dean Road, west to the project entrance. Prior to implementing these improvements, the applicant shall obtain the appropriate right-of-way permit(s) from MCDOT. For any of the above improvements that occur over BLM land, or privately held land, the applicant shall demonstrate that he has obtained the rights to make said improvements across said land prior to zoning clearance for any phase of project construction.
- o. No park models, manufactured homes, or mobile homes shall be allowed.
- p. All service buildings housing toilet, bathing and sanitation facilities, as well as all utility hook-ups, shall be completed prior to the use of the park.
- q. The maximum stay limit for any guest shall be for a period not to exceed six (6) months within any 12-month period. Upon termination of the guest's visit, the space on which the recreational vehicle was parked shall be vacated by the guest.
- r. The owners and manager of the facility shall undertake an active outreach program intended to educate guests of the damage that may occur as a result of off-highway vehicle use and shall dissuade such use from occurring within the immediate area whenever possible. Any Internet site that is established on behalf of the park shall also dissuade off-highway vehicle use in the area of the RV park.
- s. The interior circulation road located within the park boundaries shall be paved using chip seal and shall be bounded on both edges by a concrete ribbon curb when not adjacent to a building or passenger car parking area. The individual RV spaces may utilize a 4-inch thick bed of ¾-inch decomposed granite as a surfacing material.
- t. Any landscaping to be installed on the property shall be limited to plant species indigenous to the Upper Sonoran Desert. Any turf areas shall be located within the

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internal open space island contained within the internal driveway and shall be limited to non-invasive grass species.

- u. Prior to commencing construction for any portion of the project, the applicant shall obtain the necessary construction/grading permits.
- v. Prior to the renting of any spaces within the RV park, the applicant shall obtain and have finalled the appropriate construction permits for each of the spaces to be rented.
- w. This Special Use Permit shall expire 20 years from the date of Board of Supervisors Approval.
- x. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. If staff deems the status report to be unacceptable, the status report may be forwarded to the Commission for further review and action.
- y. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- z. Non-compliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- aa. Major changes to this Special Use Permit (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- bb. The applicant agrees to prohibit discharge of firearms and operation of all-terrain vehicles on the site; to post notice of these prohibitions on the site; to notify tenants, guests and visitors of these prohibitions and about restrictions relating to firearms and use/trespass of off-road or all-terrain vehicles on nearby public lands; and to reference this information and prohibitions in outreach education programs (stipulation "r").

Joy Rich outlined the Commission action on this item. The County area plan shows the site for zero to one dwelling units per acre and she said that this project would include up to eight units per acre. There is opposition to the request from a group of neighbors. One neighbor supported it. Staff recommends denial of such a high-density project in a rural area where emergency services can become an issue, as there is no all-weather access. She indicated that there is understaffing by the Sheriff in that area because of sparse population and that their response time could be long. She reiterated that this plan does not comply with the County Area Plan.

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Chairman Brock called for speakers on this issue and said that any speaker would be held to three-minutes or less because of the late hour. He requested that a spokesperson be selected to express the various points of view when possible.

Richard Cole said that Monterra Development owns property along the Eagle Mountain Road alignment, which is not dedicated. Where it runs through private property the property owners would be against having it dedicated and were in opposition to "doing anything with that road today."

Margaret Lascola, citizen, said they live near the proposed RV site and are opposed to it because of its commercial aspect. It would "take away the seclusion" of the area. She said that Eagle Mountain Road is a narrow, dirt road and increased traffic could put all travelers at risk.

Art Elftmann Sr. said that he had 100% easement to his property and that he had access to 1 1/4 miles of Eagle Mountain Road and he would pave it and increase the width if necessary, making it better for all travelers. He said their plan puts 160 units on the project but he could have put 300 units on it and had not done so. He said he had been working for more than two years on the project and had done everything he had been asked to do and gotten all the approvals needed. He indicated that they had assured residents that they planned to be "good residents" and to do all they could to improve the area. He said this park would be one of the nicest in the state if he was allowed to build it.

Supervisor Kunasek asked about the 300 units mentioned.

Mr. Elftmann responded that he had 20 acres total and had not leveled the ground. He said they had left all the hills and "snaked it through there" and it comfortably took 160 units plus a common area but if leveled it would have housed 300 units. He reported that they had met with the District 2 police department and the fire department and neither had a problem with their response time to that area.

Supervisor Wilcox asked Joy to relate the reasons staff recommended denial of this project.

Mr. Rich said that the Area Plan calls for zero to one dwelling units per acre and this plan calls for close to eight per acre. The property does not have all-weather access and it is very remote when considering emergency services that are required. She said, "It is too dense of a project for this remote a location."

Jan Hawke had requested to speak in favor of the project but declined when Chairman Brock called on her. Lance Elftmann was also registered to speak but did not do so.

Supervisor Wilcox recognized the work that applicant had gone to but said she agreed that the density was too great for such a remote area.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with staff's recommendation for denial of this application.

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| 7. | Z2003-040 | District 2 |
| | Applicant: | Withy Anderson & Morris for Gustine Properties, Inc. |
| | Location: | Northeast corner of Broadway Rd. & Ellsworth Rd. (in the east Mesa area) |
| | Request: | Rezone from R-5 to C-2 P.D. with a Plan of Development for a retail pharmacy – CVS Pharmacy (1.70 ac.) |

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COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z2003040 subject to the following stipulations "a" through "n". Commissioner Gulbrandsen seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the site plan entitled "CVS/pharmacy, Northeast Corner of Broadway Road & Ellsworth Road", consisting of two (2) full-size sheets, dated May 23, 2003, date stamped by the engineer June 17, 2003, and stamped received July 3, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "CVS Pharmacy", consisting of four (4) pages, dated revised May 28, 2003 and stamped received July 3, 2003, except as modified by the following stipulations.
- c. Prior to zoning clearance for the development of the project the applicant shall revise the Plan of Development, such that
 - The "Site Plan" and "EXTERIOR ELEVATIONS Sheet A – 4.1" are to be revised to depict the number, size (height, width and area) and location of all proposed freestanding signs including directional signs in conformance with all provisions of Sections 1404.3.1 (C-1).
 - The "EXTERIOR ELEVATIONS Sheet A – 4.1" is to be revised to delete the proposed signage on the east face of the drive through canopy.
 - All proposed freestanding signs shall be located outside of the required 25' x 25' sight visibility triangle and outside of the required 25' front building setback based upon the ultimate right-of-way for Broadway Rd. and Ellsworth Rd.
- d. The applicant shall further provide a landscape buffer located along the Broadway Channel drainage easement (IF PERMITTED BY FCD) that is a minimum of five feet (5') in width.
- e. Prior to zoning clearance for any construction associated with the development of Phase I, the property owner shall dedicate additional right-of-way along Ellsworth Rd. adjacent to the subject property sufficient to bring the ultimate half-width right-of-way to 65'.
- f. Prior to zoning clearance for any construction associated with any future phases of development, the property owner shall dedicate additional right-of-way along Broadway Rd. adjacent to the subject property sufficient to bring the ultimate half-width to 65'.
- g. The applicant shall construct ultimate half-street improvements with curb, gutter and sidewalk per a Traffic Impact Study approved by the Maricopa County Department of Transportation.

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- h. Concurrent with the application for building permits for any portion of the current phase of development, the applicant shall submit a final grading and drainage plan, as well as a final drainage report, to the Maricopa County Flood Control District. Prior to zoning clearance for any permits for the development, the applicant must obtain a drainage clearance.
- i. Major changes to this Plan of Development (the site plan and narrative report), shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors, following recommendation by staff, as well as the Planning and Zoning Commission. Minor changes to the Plan of Development may be administratively approved by the staff of the Planning and Development Department. For purposes of this approval, the revisions as outlined in stipulations "d" above may be completed without benefit of an Amendment to the Plan of Development, as said revisions are a condition of zone change approval.
- j. Non-compliance with the Plan of Development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- k. Zoning for the subject property shall be C-1 P.D.
- l. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- m. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- n. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.

Ms. Rich reported on previous action in this case and said that originally it had been denied for rezoning from R-5 to C-2 P.D., however a C-1 P.D. was approved by the Planning Commission with stipulations, and the applicant was comfortable with the C-1 zoning.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval subject to stipulations "a" through "n."

MEETING ADJOURNED

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There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Fulton Brock, Chairman of the Board

Norma Risch, Deputy Clerk of the Board